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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 11200/2017**

MRS. KRISHAN KANTA SHARMA & ORS. Petitioners

Through: Ms. Harvinder Oberoi, Advocate.

versus

EAST DELHI MUNICIPAL CORPORATION & ORS.

..... Respondents

Through: Mr. Kumar Rajesh Singh, Advocate
for EDMC.

Mr. Swastik Singh, Mr. Atul Singh &
Mr. Utkarsh Goel, Advocates.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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17.01.2020

1. Learned counsel for the Respondents does not dispute the fact that the Petitioners stand on the same footing as Mrs. Urmil Chopra, in whose W.P.(C) 148/1997 (*Smt. Urmil Chopra v. The Commissioner*) relief was granted by a judgment dated 16th November, 2005. However, he seeks to distinguish its applicability on two counts: first, that Mrs. Urmil Chopra has put in 13 years of service, whereas the Petitioners have served for a lesser length of time. As far as this objection is concerned, the Court finds that there is nothing in the applicable rules to indicate that the benefit of the ACP Scheme shall hinge upon one's number of years of service.

2. The second point of distinction is made by referring to the judgment of this Court dated 12th March, 2013 in W.P.(C) 1261/2012 (*MCD v. Mrs. Raj Bala Mann and batch*), where the Court noted that Mrs. Urmil Chopra,

although engaged as a 'Community Worker (Part Time)' was, as a matter of fact, working on a full time basis.

3. As far as the present petition is concerned, the situation is no different, as has been noted by the CAT and in an order dated 17th October, 2008 of this Court in W.P.(C) 4009/2007 (*Krishna Kant Sharma v. Municipal Corporation of Delhi*) that these Petitioners too, although termed as 'Community Worker (Part Time)' were in fact working on a full time basis.

4. Thus, with there being no points of distinction between the case of Mrs. Urmil Chopra and the case on hand, the Court sees no reason why the Petitioners be denied the benefit extended to Mrs. Urmil Chopra. Consequently, the impugned order dated 6th February, 2017 of the CAT as well as the order dated 6th April, 2017 in R.A. No. 83/2020 are hereby set aside. A direction is issued to the Respondents to grant each of the Petitioners the benefits of the 2nd financial upgradation under the ACP Scheme from their respective due dates. The arrears shall be paid not later than 12 weeks from today, failing which the Respondents will be liable to pay simple interest at 6% per annum on said arrears for the period of delay.

5. The petition is disposed of.

S.MURALIDHAR, J.

TALWANT SINGH, J.

JANUARY 17, 2020

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