



2025:DHC:2818-DB



\$~89

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

Date of decision: 22.04.2025

+ W.P.(C) 5036/2025

SH. RANBIR SINGH & ORS.Petitioners

Through: Mr. G.L. Verma, Adv.

versus

DELHI DEVELOPMENT AUTHORITY & ANR.

.....Respondents

Through: Mr. Arun Birbal, Adv. for
R1&2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 23127/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 5036/2025

2. This petition has been filed by the petitioners, challenging the Order dated 09.01.2025 passed by the learned Central Administrative Tribunal (PB), New Delhi (hereinafter referred to as "CAT") in Original Application No. 4156/2016 (hereinafter referred to as, "OA"), titled *Manohar Lal & Ors. v. Delhi Development Authority & Ors.*, dismissing the said OA.

3. The petitioners had filed the above OA claiming for grant of the benefit of the Assured Career Progression Scheme (hereinafter referred to as, "ACP") as well as the Modified Assured Career



2025:DHC:2818-DB



Progression Scheme (hereinafter referred to as “MACP”).

4. The petitioners had also claimed that they were appointed as Group D employees with the respondent-Delhi Development Authority (hereinafter referred to as “DDA”) between the years 1979-1991 at the posts of Peon/Mate/Mali/Beldar/Chowkidar/Security Guard etc.

5. The respondents, *vide* an office order dated 06.01.1994, called applications from the departmental candidates from Group D officials serving in the Delhi Development Authority, for consideration of their claim for appointment to the post of Patwari in relaxation of the Recruitment Rules.

6. The petitioners applied for the same and were appointed as Patwari in the year 1996.

7. They filed the above OA claiming that for purposes of grant of ACP/MACP benefits, the period of their service as Peon, Mali, Security Guard etc, should also be counted.

8. The said claim has been rejected by the learned Tribunal by observing as under:

“ 7 .1 The distinguishing factor in the present case is that the applicants were granted promotion to the post of Patwari after grant of one time relaxation in the Recruitment Regulations for appointment against the direct recruitment of Patwari. It is not in dispute that Recruitment Regulations otherwise provided for method of recruitment to the post of Patwari as a direct recruitment channel. The counting of past services in the present case is only meant for pensionary benefits and cannot relate to grant of financial upgradation under



2025:DHC:2818-DB



the ACP/MACP Scheme. The object and purpose of financial up-gradation under ACP/MACP Scheme is only an incentive meant to relieve stagnation - framed under the executive policy. In the present factual matrix, no case has been made out by the applicants that at any point of time, they have suffered stagnation, which would call upon the interference of the Tribunal. Another facet which cannot be ignored is that by virtue of the said relaxation, the applicant got career advancement much prior in time.”

9. The learned counsel for the petitioners submits that the respondents themselves, by their Resolution dated 10.08.2009, had decided to count the period of service of a work charged employee for the grant of ACP/MACP benefit. He also places reliance on the Office Order dated 05.06.2015, wherein a similar benefit had been given to the persons who were appointed as ‘Mate’. He submits that, therefore, the petitioners have been discriminated against.

10. We find no merit in the submission by the learned counsel for the petitioners.

11. Admittedly, the petitioners, though were earlier working as Peon/Mali/Beldar/Security Guard etc. with the respondent No. 1, were later appointed to the post of Patwari in the year 1996 pursuant to a selection process, granting a ‘one time relaxation’ in the Recruitment Rules. They were, therefore, not appointed permanently to the post which they were earlier holding earlier and the service period of which they want to be counted, but to a higher post. The benefit of the ACP/MACP cannot therefore, be granted by counting the period of



2025:DHC:2818-DB



service which was rendered by them in the earlier post.

12. As far as the reliance of the learned counsel for the petitioners on the Resolution dated 10.08.2009 is concerned, the same is also unfounded. The relevant portion of the Resolution reads as under:

“ 8. Thus, keeping in view that there are no promotional avenues in the cadre of Work charged and the Work charged employee, appointed on temporary basis followed by his appointment on regular work-charged establishment without any break in service on the same post for so many years, the benefit of ACP may be extended to the work-charged employees of DDA from the date of their initial appointment in work charge category provided they have rendered the service without any break and fulfill the terms and conditions of ACP schemes of Govt. of India dated 9.8.1999.”

13. A perusal of the above would show that it is only where the employee who was earlier appointed on a temporary basis as a work charged employee but is later regularized ‘on the same post’, that the period of service as work charged employee would also be counted for the grant of the ACP benefit. In the present case, as noted hereinabove, the petitioners were not appointed to a same post but to a higher post that is, of Patwari, based on a selection process.

14. Similarly, the Office Order dated 05.06.2015 also deals with the case where the person pointed as ‘Mate’ as a work charged employee has been later confirmed to the said post. In such an eventuality, the period of service as a work charged employee was also to be counted and a pay parity was to be maintained. The said Office Order,

