

\$~43

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 13239/2022, CM APPL. 40117/2022 (interim relief) & CM
APPL. 40119/2022 (151 CPC)
PARAMEDICAL TECHNICAL STAFF WELFARE
ASSOCIATION OF MCD Petitioner
Through: Mr.C.M.Jha & Ms.Draksha Khan,
Adv.

versus

GOVT. OF NCT OF DELHI & ANR. Respondents
Through: Mr.Vivek Gurnani, Mr.Anand A
Dardhiyar & Mr.Shoaib Alvi, Adv. for R-1

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER

%

12.09.2022

CM APPL. 40118/2022

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

**W.P.(C) 13239/2022, CM APPL. 40117/2022 (interim relief) & CM
APPL. 40119/2022 (151 CPC)**

3. The petitioner has approached this Court assailing the communication dated 18.08.2022 issued by the respondent no.2/Municipal Corporation of Delhi (MCD) whereby it has been directed that salaries of all para medical staff of the RBIPMT and MVID hospitals will be henceforth released only after they mark their attendance through the MCD SMART App via smart phones.
4. Learned counsel for the petitioner submits that the impugned order has been passed without appreciating the fact that many of the

members of the petitioner/Union are not educated and do not own smart phones and, therefore, it is not possible for them to mark their attendance through the MCD SMART App.

5. Since despite advance service and the matter being passed over, none appears for the respondent no.2, no explanation can be sought from the said respondent as to why the petitioners' attendance cannot, for the interregnum, be marked by any other mode till the petitioners are able to purchase smart phones and are provided the necessary training to operate the MCD SMART App.
6. Issue notice. Learned counsel for the respondent no.1 accepts notice
7. Upon the petitioner taking steps, issue notice to respondent no.2 through all permissible modes. Counter affidavit be filed within four weeks. Rejoinder thereto, if any, be filed before the next date.
8. Till the next date, the respondent no.2 will ensure that the salaries of the employees of the petitioner/union is not withheld on account of their not being able to mark their attendance in the MCD SMART App though a smart phone.
9. List on 28.10.2022.

SEPTEMBER 12, 2022

kk

REKHA PALLI, J