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

+ W.P. (C) 3143/2020

NAYEE SOCH SOCIETY (REGD.)

.....Petitioner

Through: Dr. M.K. Gahlaour, Advocate

versus

MINISTRY OF HOME AFFAIRS & OTHERS

....Respondents

Through: Mr. Kirtiman Singh, CGSC with
Mr. Waize Ali Noor and Mr. Varun
Jain, Advocates for R-1.
Ms. Shobhana Takiar, ASC for
respondents No. 2 to 4.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

29.05.2020

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HEARD THROUGH VIDEO CONFERENCING.

W.P. (C) 3143/2020 & C.M. No.11540/2020

1. The present writ petition has been filed by the petitioner/Society as a Public Interest Litigation (PIL) praying *inter alia* for issuing directions to the respondent No.4/Department of Transport, Govt of NCT of Delhi to provide a onetime financial benefit of Rs.5,000/- to life time PSV badge holders.

2. Learned counsel for the petitioner submits that on 02.04.2020, the Chief Minister of Delhi had announced a onetime relief assistance package of Rs.5,000/- to auto rickshaw, e-rickshaw and Gramin sewa vehicle drivers, as a

compensation for the loss that they would suffer on account of the lockdown declared by the Government due to the COVID-19 pandemic. After waiting for a reasonable time, on 25.04.2020, the petitioner had made a representation to the respondent No. 4 stating *inter alia* that the financial assistance as promised had not been received by PSV badge holders who were facing great hardship being unable to ply their vehicles. When no effective reply was received, the present petition came to be filed. Learned counsel submits that repeated representations made to the respondent No. 4 have not elicited any effective response and the Transport Department is discriminating between PSV badge holders who have a chip fixed in their badges *vis-a-vis* PSV badge holders who do not have a chip fixed in their badges.

3. Notice was issued on the present petition on 15.05.2020 and pursuant thereto, reply affidavit has been filed on behalf of the respondent No. 4/Department wherein it is stated that the Transport Department is giving financial assistance of Rs.5,000/- to every PSV badge holder in Delhi who has a valid Driving License on or after 01.02.2020, irrespective of whether the said badge is a chip based badge or a badge without a chip. The Department states that it has made a software separately for chip based badges and non-chip based badges and applicants have been told to apply for receiving assistance of Rs.1,000/-, in terms of the format prepared in this regard. It is further submitted that since the 2010 data was non-chip based smart card and was unavailable in the software of the Department, it had to be matched through a separate process initiated by the IT Wing of the Transport Department and now, all the eligible applicants have been identified. In para 13 of the affidavit, it has been averred that the Transport Department has identified 11780 applicants holding non-chip PSV badges through a separate web portal developed for such applicants and out of the said 11780 eligible applicants, a sum of Rs.5,000/- has already been

deposited directly in the bank accounts of 4835 persons which includes persons mentioned in para 15 of the writ petition.

4. On an inquiry from Ms. Takiar, learned counsel for the respondent No.4/Transport Department as to how much time will it take to clear the list of the remaining 4825 persons by depositing a sum of Rs.5,000/- into their bank accounts, learned counsel states that the Department may be given a period of 15 days.

5. We are of the opinion that already enough time has been taken by the respondent No.4/Transport Department to release the assistance package as the scheme was announced in early April, 2020 and now, it is already end of May, 2020. There was enough time for the Department to have processed all the applications and released the funds to those who were eligible. As a last opportunity, we grant 10 days' time to the respondent No.4/Transport Department to clear the balance list by depositing a sum of Rs.5,000/- into bank accounts of the eligible non-chip PSV badge holders, whose grievance has been espoused in the present petition.

6. With these directions, the present petition is disposed of along with the pending application.

HIMA KOHLI, J.

SUBRAMONIUM PRASAD, J.

MAY 29, 2020
A/rkb