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

+ **W.P.(C) 9265/2015**

SURESH KUMAR Petitioner

Through: Mr.Vijay Kumar, Advocate

versus

**DIRECTORATE GENERAL, BORDER SECURITY FORCE &
ORS.** Respondents

Through: Mr.Vikram Jetly, CGSC with
Mr.Arvind Sharma, Dy.Comdt.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **28.09.2015**

C.M.No.21218/2015 (for exemption)

Exemption is allowed subject to just exceptions.

Application is disposed of.

W.P.(C) 9265/2015

1. The petitioner claims directions to the effect that the respondents should grant him ACP Scheme in line with others who were granted in 2008. The petitioner joined the Border Security Force as Constable on 27.01.1981. We have seen the facts of the case. The petitioner has been the recipient of regular promotions in the course of his career; the first one on 10.10.1990 as Lance Naik; the second promotion was from Lance Naik to Naik in November, 1992; the third promotion was to the post of Head Constable on 10.10.1997. The petitioner was subsequently promoted as Sub Inspector on 08.04.2011.

2. The entire ACP scheme – formulated by the Central

Government and made effective on 09.08.1999 is premised upon the employee being denied any promotional movement in the course of his career. Para 5.1 of the Scheme expressly states that those receiving promotions during the periods stipulated of 12 and 24 years (necessary for obtaining financial upgradation under the ACP Scheme) would not be entitled to such ACP benefits. Para 5.1 reads as follows:

“5.1 Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including in-situ promotion and fast-track promotion availed through limited departmental competitive examination) availed from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial upgradations under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service under the ACP Scheme. In case two prior promotions on regular basis have already been received by an employee, no benefit under the ACP Scheme shall accrue to him;”

3. In the present case, the petitioner has been promoted not less than four times in the course of his career. He is therefore clearly disentitled to the directions he claims in the present petition. The writ petition is consequently dismissed.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

SEPTEMBER 28, 2015/rb