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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9424/2015

G.R. SHARMA

..... Petitioner

Through: Mr S.R. Jolly, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Gaurav Sarin, Sr. Panel Counsel with
Ms Abha Malhotra and Ms Charul Sarin and Mr
Ajitesh Kir, Advs for UOI

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **06.10.2015**

CM No.22024/2015 (Exemption)

Exemption allowed, subject to just exceptions.

The application stands disposed of.

W.P.(C) 9424/2015

Issue notice. Mr Gaurav Sarin, Sr. Panel Counsel accepts notice on behalf of the respondents.

The petitioner in the present proceedings has sought for the ACP benefit. The petitioner has nowhere averred in his petition that he had approached this Court by filing W.P.(C) No.5595/2014. The said writ petition was dismissed on 27.07.2015, after considering the facts of the case, especially the penalties imposed upon the petitioner during the course of his career. In the course of the judgment, this Court has observed as follows:-

“5. It is stated that the penalties imposed upon the petitioner were not trivial and were on account of misbehaviour and dereliction of duty such as sleeping on duty, etc. This Court has considered the submissions. The respondents do not deny that the petitioner had completed 12 and 24 years, which

entitles an employee for consideration of the ACP benefits. However, the completion of such qualifying service itself is not the only determinative criteria. The employee has also to fulfil other conditions, which would ordinarily entitle him to be promoted such as the qualifications for higher post, qualifying service required by the Rules, qualifying experience required by the Rules and the fulfilment of the essential bench mark according to the existing policy in terms of the number of annual confidential report gradings. Additionally, the employee has to be medically fit to discharge the duties required of him in the higher post.

6. In the present case, as noticed earlier, though the petitioner fulfills the eligibility and the qualifying service criteria, he did not fulfil other parameters, the most notable one being the need to possess five “Good” ACRs grading for each of the financial upgradations. Furthermore, the petitioner was imposed several penalties almost from the inception of his career—which are 13 in number.

7. Having regard to these facts, this court is of the opinion that no case is made out for granting relief claimed in these proceedings.”

In these circumstances, the petitioner cannot be granted the relief of ACP benefits. He has, however, in addition to these, also claimed revision/re-fixation of pension on the basis of last salary drawn stating that the same has been done inaccurately. The respondents are, therefore, directed to do the re-fixation of the pension of the petitioner on the basis of last drawn wages, within six weeks.

The writ petition is partly allowed in above terms.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

OCTOBER 06, 2015/bg