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

+ **W.P.(C) 10386/2015 & CM No. 26357/2015**

MEHAR CHAND YADAV

..... Petitioner

Through: appearance not given.

versus

**DIRECTORATE GENERAL BORDER SECURITY FORCE AND
ORS.**

..... Respondents

Through: Mr. Ruchir Mishra, Advocate alongwith
Mr. Mukesh Kr. Tiwari and Mr. Arvind Sharma,
DC, BSF.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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06.11.2015

The petitioner seeks direction to the respondents to give him ACP benefits in terms of the Scheme of 09.08.1999.

The factual matrix is that the petitioner joined the Border Security Force (BSF) in January 1973 and superannuated on voluntary retirement basis w.e.f 30.01.2009. The pleading was that the petitioner was beneficiary of four promotions in his entire career span.

The OM of 09.08.99 to the extent it is relevant states 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;”

Since the ACP Scheme is premised upon the public employee not being promoted within 12 years or not being promoted second time within 24 years, clearly the petitioner was disentitled to any benefits under this Scheme. This view was also stated in the case of **Yogendra Kumar Singh Vs. Union of India & Ors** in W.P.(C) No. 7679/2015 (decided on 06.10.2015) and **Krishan Chand Mor vs. Union of India & Ors.** in W.P.(C) No. 8971/2015 (decided on 21.09.2015).

For these reasons, the petitioner cannot be granted the reliefs he claims.

The writ petition is accordingly dismissed.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

NOVEMBER 06, 2015

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