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

+ W.P.(C) 11205/2015

RAMESH CHAND ASI/GD Petitioner
Through: Mr O.P. Agarwal and Mr Deepak
Agarwal, Adv.

versus

UNION OF INDIA & ORS. Respondents
Through: Ms Archana Gaur, Sr. CGSC and
Ms Shiva Lakshmi, CGSC for UOI

W.P.(C) 11225/2015
JAGDISH CHAND, HC/GD Petitioner
Through: Mr O.P. Agarwal and Mr Deepak
Agarwal, Adv.

versus

UNION OF INDIA & ORS. Respondents
Through: Ms Shiva Lakshmi, CGSC for UOI

W.P.(C) 11254/2015
GOPAL DASS ASI/GD Petitioner
Through: Mr O.P. Agarwal and Mr Deepak
Agarwal, Adv.

versus

UNION OF INDIA & ORS. Respondents
Through: Ms Shiva Lakshmi, CGSC for UOI

W.P.(C) 11261/2015
UKAM SINGH Petitioner
Through: Mr O.P. Agarwal and Mr Deepak

Agarwal, Advs.

versus

UNION OF INDIA AND ORS. Respondents
Through: Ms Shiva Lakshmi, CGSC for UOI

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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04.01.2016

**Review Petition No.1/2016 in W.P.(C) 11205/2015, Review
Petition No. 4/2016 in W.P.(C) 11225/2015, Review Petition
No.2/2016 in W.P.(C) 11254/2015, Review Petition No. 3/2016 in
W.P.(C) 11261/2015**

Issue notice. Ms. Archana Gaur, Advocate accepts notice on behalf of the respondents - UOI in W.P.(C) No. 11205/2015 and Ms. Shiva Lakshmi, CGSC accepts notice on behalf of the respondents - UOI in W.P.(C) Nos. 11225/2015, 11254/2015 and 11261/2015.

The petitioners are seeking review of the order dated 04.12.2015 and rely upon the Office Memorandum dated 10.02.2000, whereby clarifications regarding the operation of the Assured Progression Scheme “ACP Scheme” were issued by the Department of Personnel and Training (DoPT). It is pointed out that the order of this Court is silent as to the petitioner’s eligibility for consideration to the second ACP. In this regard, learned counsel relies upon clarification No.14 in the said FAQ—embodied in the Office Memorandum of 10.02.2000. He also relies upon the order of the Court dated 18.12.2015 in *W.P.(C) No.11725/2015 (Digamber Singh,*

ASI/GD vs. Union of India and Ors. and connected matters).

Having considered the submissions, this Court is of the opinion that in addition to the directions made, the respondents are also obliged to consider the petitioner's eligibility—and if so, entitlement for the grant of second financial upgradation under the ACP Scheme, in terms of the Clarification No.14 of the said Office Memorandum dated 10.02.2000. Furthermore, given the Clarification No.2 (which was cited in the ***Digamber Singh, ASI/GD (supra)***), the eligibility, if any, for the third financial upgradation under the MACP Scheme (effective from 01.09.2008) shall also be considered. The Review Petitions are partly allowed in the above terms.

Dasti.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

JANUARY 04, 2016

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