

\$~6

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

+ W.P.(C) 2341/2014

HARPAL SINGH Petitioner

Through: Mr. Ritesh Khatri, Advocate

versus

UNION OF INDIA & ANR Respondents

Through: Mr. Sachin Chandra, Advocate for
Mr. Sarat Chandra, Advocate for
respondents No.1 and 2

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

05.04.2016

%

1. Pursuant to the order dated 16th February, 2016, the respondent No.1-Secretary, Government of India, Ministry of Home Affairs, New Delhi, has filed an affidavit stating *inter alia* that further time would be required to take a decision in the matter. The said request has been made in a background where an order dated 23rd May, 2013 was passed by the Meghalaya High Court in W.P.(C).218 (SH)/2013 and directions were issued to the respondents to upgrade and re-designate the petitioner to the post of Havildar/Operator Radio Line in the pre-revised Pay Scale of Rs.3200-85-4900/- from the date of passing of ORL Class-III examination at par with the technical combatant staff in other CAPFs.

2. It has been averred in the affidavit filed on behalf of the respondent

No.2 that the file of the case was received by the MHA only on 1st March, 2016. There is no explanation as to where had the file remained after May, 2013 and why had no action been taken from May, 2013 to March, 2016. However, only when a direction was issued on 16th February, 2016 calling upon the respondent No.1 to file an affidavit indicating *inter alia* the decision taken within three weeks from the date of passing of the said order, failing which the concerned Joint Secretary of the respondent No.1 was directed to remain present, has the same borne results in the shape of an order dated 5th April, 2016, granting the relief to the petitioner. Copy of the said document is taken on record with a copy furnished to the learned counsel for the petitioner.

3. In view of the aforesaid order, the present petition is disposed of with liberty granted to the petitioner to approach the respondent for considering his case for grant of ACP in terms of the order dated 5th April, 2016. If the petitioner's representation is turned down by the respondents, then he shall be entitled to seek his remedies, if so advised, in accordance with law.

HIMA KOHLI, J

SUNIL GAUR, J

APRIL 05, 2016

s