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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2043/2016**

RISHI RAJ

..... Petitioner

Through: Mr. Sanjiv Joshi, Adv. along with
Petitioner in person.

versus

DELHI TRANSPORT CORPORATION & ORS Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **11.03.2016**

CM No.8781/2016(exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 2043/2016

Having heard counsel for the petitioner, we are not inclined to interfere with the impugned order dated 6.10.2015 whereby OA No.3476/2014 has been dismissed.

The claim of the petitioner is that he has not been granted second financial upgradation in terms of Assured Career Progression Scheme and Modified Assured Career Progression Scheme which was introduced in Delhi Transport Corporation with effect from 12.8.2002 and 1.4.2011 respectively.

It is an accepted position that the petitioner was granted the first financial upgradation and benefit under the MACP Scheme with effect from 1.4.2011.

The petitioner was not granted benefit under the ACP Scheme

because of adverse entries in his Annual Confidential Reports for the period 2000 to 31.8.2008.

Learned counsel for the petitioner submits that the adverse ACRs were not communicated to him and therefore could not have been relied upon.

We find that the said contention was not raised before the Tribunal. Copy of the application/petition under Section 19 of the Administrative Tribunal Act, 1985 is placed on record. The application/petition does not have such assertion or allegation.

Other employees and workers of DTC had got financial upgradation under the ACP Scheme after 12.8.2002. The petitioner was aware and conscious that he had not been granted financial upgradation. To us it is obvious and apparent that the petitioner was aware of the said position and facts and had therefore not questioned and raised the issue of grant of financial upgradation on completion of 12 years of service after the ACP Scheme was introduced with effect from 12.8.2002. The plea and contention now raised that the adverse ACRs were not communicated is an afterthought and should be rejected.

Keeping in view the aforesaid facts, we do not see any reason to interfere with the impugned order. The writ petition is dismissed.

SANJIV KHANNA, J

ASHUTOSH KUMAR, J

MARCH 11, 2016/ak