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

+ **W.P.(C) 4997/2016 & CM No.20872/2016**

DAYAN SINGH, EX. NK/GD Petitioner
Through : Mr. O.P. Aggarwal, Advocate

versus

UNION OF INDIA & ORS Respondents
Mr. Vivek Goyal with
Mr. Prabhakar Srivastav and
Mr. Vinayak Bhushan, Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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27.05.2016

1. The petitioner, who had taken VRS as a Naik (GD) in the respondents No.4 & 5/SSB w.e.f. 1.4.2004, has filed the present petition praying *inter alia* for directions to the respondents to grant him the benefits of the second financial upgradation under the ACP Scheme w.e.f. 9.8.1999, in the scales of Sub-Inspector, with all other consequential benefits in terms of the OM dated 8.9.1999.

2. Counsel for the petitioner submits that the petitioner was promoted to the post of a Naik in the year 1991 and the said post was abolished and merged with the post of a Head Constable, vide order dated 10.10.1997 issued by the Ministry of Home Affairs, UOI. He states that the present case is a covered case and the issue raised herein is no longer *res integra*. In support of the said submission, he refers to the judgment dated 26.5.2014, passed by a Division Bench of this Court in a batch of writ petitions, lead matter registered as **WP(C)No.3123/2014** entitled 'Dharamvir vs. Union of

India & Ors.’, and states that the petitioner is entitled to the same relief. He explains that as the petitioner was unaware of the correct legal position, he could not take any steps till recently, when a representation dated 10.3.2016 was addressed by him to the Director General, SSB (Annexure P-9).

3. Mr. Goyal, learned counsel for the respondents, who appears on advance notice, states that the respondents shall consider the aforesaid representation submitted by the petitioner and decide the same within a reasonable timeline.

4. In view of the submission made by the counsel for the respondents, the present petition is disposed of with directions issued to the respondents to consider and decide the representation dated 10.3.2016 submitted by the petitioner, within eight weeks from today keeping in mind the observations made in the aforesaid judgment dated 26.5.2014 passed in a batch of matters, under written intimation to her.

5. The petition is disposed of, along with the pending application.

HIMA KOHLI, J

SUNIL GAUR, J

MAY 27, 2016

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