

\$~14

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

+ W.P.(C) 4868/2016 & CM No.20308/2016

KALU RAM SAVARIYA Petitioner
Through : Mr. Ankur Chibber, Advocate

versus

UNION OF INDIA AND ORS Respondents
Through : Ms. Sangita Rai and
Ms. Sunita Singh, Advocates with
Mr. B.K. Rout, Pairvi Officer.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

%

25.05.2016

1. The petitioner, who had superannuated on the post of an Inspector with the respondent/CRPF on 31.3.2009, has filed the present petition praying *inter alia* for quashing the Signals dated 28.5.2013 and 3.7.2013, whereunder the respondents have denied him the benefits of the ACP Scheme.
2. Counsel for the petitioner submits that aggrieved by the said decision, the petitioner had served a legal notice dated 5.4.2016 on the respondents, but the same has not been responded to till date. He submits that in any case, the issue raised in this petition is no longer *res integra* inasmuch as vide judgment dated 5.3.2015 passed by the Division Bench in a batch of matters, lead matter being **WP(C)No.388/2015** entitled 'Om Prakash vs. UOI & Ors.', directions were issued to the respondents to grant the

petitioners therein the benefits of the second ACP Scheme w.e.f. the date when they had completed 24 years of service reckoned from the date of their initial service, subject to their being found fit for promotion and subject to other eligibility conditions. He states that the respondents ought to have taken the same decision in the case of the petitioner as well, but have not done so till date.

3. Counsel for the respondents states that aggrieved by the judgment dated 5.3.2015, the respondents have decided to file a SLP, which is likely to be listed before the Supreme Court post the summer vacations.

4. Be that as it may, having regard to the legal position as it stands today, it is deemed appropriate to dispose of the present petition with directions issued to the respondents to reply to the petitioner's legal notice dated 5.4.2016, within a period of twelve weeks from today, after taking into consideration the judgment dated 5.3.2015, referred to herein above.

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

HIMA KOHLI, J

SUNIL GAUR, J

MAY 25, 2016

sk