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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 7724/2015**  
**JK GOEL**

..... Petitioner

Through: In person with Mr. Sudeep Sudan,  
Adv. & Mr. Aman Kalra, Adv.

versus

DISTRICT AND SESSIONS JUDGE ,HQ AND ANR

..... Respondent

Through: Mr. Ankur Chibber, Adv.

**CORAM:**  
**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**ORDER**

% **07.01.2016**

1. The claim in the writ petition is to the grant of promotional benefits as and when they were due but denied to the petitioner and further, for grant of 2<sup>nd</sup> and 3<sup>rd</sup> Financial Upgradation under the Modified Assured Career Progression Scheme.
2. In terms of CM No.19021/2015, a chart, sought by the petitioner from the respondents under the RTI, has been filed. The same reveals the following position with regard to several departmental proceedings initiated against the petitioner.

| File No. | Under Rule of CCS (CCA) Rules, 1965 | Date of issuance of charge sheet | Brief of Misconduct | Penalty imposed |
|----------|-------------------------------------|----------------------------------|---------------------|-----------------|
|          |                                     |                                  |                     |                 |

|        |        |            |                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                      |
|--------|--------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| F.657  | U/R 14 | 02.11.1996 | Loss of challan in case FIR no. 398/90 u/s 354 IPC, PS I.P. Estate                                                                                                                                                                                                                                                                  | Exonerated vide order dated 03.03.2000 of Ld. District & Sessions Judge, Delhi.                                                                                                                                                                                                                      |
| F.697  | U/R 14 | 02.01.1998 | Missing of original MLC-88203 of J.P.H. Hospital                                                                                                                                                                                                                                                                                    | Imposed a Penalty of withholding of one future annual increment with cumulative effect vide order dated 17.04.2000 of Ld. District & Sessions Judge, Delhi.                                                                                                                                          |
| F.867  | U/R 14 | 29.01.2003 | Indulging in corruption, manipulation extraction money and setting bargain for acquittal litigants on 28.7.99 and not obeying the order of his superiors/seniors.                                                                                                                                                                   | Penalty of withholding of two annual increments with cumulative effect was imposed upon him vide order dated 21.07.2006 of Ld. District & Sessions Judge, Delhi.                                                                                                                                     |
| F.1252 | U/R 14 | 13.04.2007 | Article-I While posted in pool car section Rohini was deputed for the morning shift from 8 am to 3 pm but did not attend the office in morning on 4.11.2006, 7.11.2006 & 8.11.2006 and came late.<br>Article-II Proceeded on leave 15.11.2006 to 22.11.2006 thereby engaging himself directly or indirectly in trade fare business. | Penalty of withholding of two increments with cumulative effect was imposed upon him vide order dated 24.11.2009 of Ld. District Judge-I & Sessions Judge, Delhi. He filed service appeal against the said penalty order which was dismissed vide order dated 15.05.2012 of Ld. Appellate Authority. |
| F.1303 | U/R 14 | 04.02.2009 | Loss of Judicial Case file titled as State vs. Prem Prakash                                                                                                                                                                                                                                                                         | Enquiry report dated 13.10.2009 accepted and matter was closed vide order dated 26.11.2009 and the same was communicated to him vide letter dated 30.11.2009 Ld. District Judge-I & Sessions Judge, Delhi.                                                                                           |

3. Suffice to state, that the petitioner had not approached the Court at the relevant point of time between 2001-2003 and/or 2006-2007. That apart, I have been informed by Mr. Ankur Chibber, that on the culmination of the penalty, imposed pursuant to the last charge sheet, issued to the petitioner, the case of the petitioner was considered for financial upgradation under the Modified Assured Career Progression Scheme with effect from July, 2012 and the same has been granted. Thereafter, the petitioner superannuated on November 30, 2012.

4. In view of the aforesaid position, the claim of the petitioner seeking promotion/financial upgradation is not sustainable on facts and in law. I do not see any merit in the petition. The same is dismissed.

**V. KAMESWAR RAO, J**

**JANUARY 07, 2016/ak**