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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4884/2016**

JAINTI PRASAD BAHUGUNA Petitioner
Through **Mr.O.P.Aggarwal and Mr. Deepak**
Aggarwal, Advocates
versus
UNION OF INDIA & ORS Respondents
Through **Mr. Vivek Goyal, CGSC with**
Ms. Vanya Khanna &
Mr. S.N.Parashar, Advocates

CORAM:
HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER
% **15.02.2017**

In this writ petition, the petitioner has sought writs in the nature of Mandamus directing the concerned respondents to grant the petitioner the benefit of first financial upgradation under the ACP (Assured Career Progression) Scheme in the scale of Head Constable w.e.f 9.8.1999, and the benefit of second financial upgradation under the ACP Scheme in the scale of Sub-Inspector w.e.f. 9.8.1999.

The petitioner was appointed Constable in the Special Service Bureau, which is now known as Shasatra Seema Bal. In 1977-78, the petitioner was detailed for the JCC course, but he could not qualify.

It is contended that the petitioner completed 12 years of service on 15.12.1982 but was not granted any promotion.

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In 1990 the petitioner was again detailed for the pre-promotion course after a gap of 12 years. However, the petitioner indicated his unwillingness to attend the course.

The petitioner claims that he completed 24 years of service on 15.12.1994. However, no promotion was granted to him. Admittedly, the petitioner failed to qualify in the pre-promotion course held in 1977-78 and he declined to attend the pre-promotion course held in 1990.

By a memorandum dated 9.8.1999, the ACP scheme was introduced. In terms of the ACP Scheme, persons who had served for 12 years became entitled to financial upgradation to the scale equivalent to the scale of the next higher post, subject to fulfilment of conditions as laid down in the scheme. On completion of 24 years second financial upgradation was to be granted subject to fulfilment of the conditions of the ACP scheme.

The petitioner retired from service w.e.f. 1.8.2002 after rendering 32 years of service. Be it noted that while in service, the petitioner did not make any representation for grant of the ACP scale of pay.

As per the pleadings, the petitioner made a representation on 17.8.2015, which appears to be his first representation. At least, no other representation has been annexed to the writ petition.

Admittedly, the petitioner did not qualify for financial upgradation under the ACP Scheme as he did not qualify in the pre-promotion course which was a condition precedent for grant of

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financial upgradation.

Be that as it may, the petitioner retired way back in August, 2002. May be, he was depressed as contended by counsel as his juniors had superseded him. The fact remains that he declined to attend the JCC course when given the opportunity.

This writ petition is hopelessly belated. The petitioner cannot be given the benefit of ACP Scheme after over 13 years of his retirement and that too, when he had not attended the requisite eligibility course while he was in service.

The writ petition fails and the same is dismissed.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

FEBRUARY 15, 2017/mw