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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7499/2016, CM No. 30836/2016

MAHENDER KUMAR TEK

..... Petitioner

Through: Mr. Rajat Aneja, Adv. with Ms.
Vandna Aneja & Ms. Rashmi Verma,
Adv.

versus

THE DISTRICT AND SESSIONS JUDGE AND ORS

..... Respondent

Through: Mr. Ankur Chhibber, Adv. for R-1 &
2
Ms. Prabhsahay Kaur, Adv. for R-3

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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06.09.2017

W.P.(C) 7499/2016

1. The present petition has been filed with the following prayers:-

*“It is, therefore, most respectfully prayed that this Hon’ble Court may be pleased to issue a Writ in the nature of **MANDAMUS** and/or any other appropriate Writ/Order/Direction of like nature thereby commanding the Respondents in the following terms:*

A. To direct the Respondents to expunge the adverse remarks recorded in the A.C.R. (i.e Annual Confidential Report) of the petitioner for the year 2004;

B. To further direct the Respondents to grant second financial upgradation under the MACP Scheme (i.e Modified Assured Career Progression Scheme) in the Pay Band of Rs.9300-34800 (PB-II), with Grade Pay of Rs.4800/- on completion of 20 years of service in the same pay scale working as LDC/Ahlmad with all consequential benefits i.e seniority, arrears etc.; and

C. Any other relief or order(s) that this Hon'ble Court may deem fit and proper in the facts and the circumstances of the present case may also be passed in favour of the Petitioner."

2. Mr. Aneja states, the relief at prayer 'A' has been rejected by this Court on August 26, 2016. If that be so, the writ petition survives, only for prayer 'B'. Mr. Aneja states that the petitioner has been granted promotion to UDC w.e.f October 9, 2002.

3. Mr. Chhibber states in view of this development, he has instructions to state that the case of the petitioner shall be considered for grant of second MACP. On this submission of Mr. Chhibber, Mr. Aneja states that the consideration need to be by taking into consideration the Office Memorandum dated October 04, 2012, wherein, according to Mr. Aneja, wherever promotions are given on non-selection basis, the prescribed benchmark mentioned in para 17 of the MACP Scheme dated May 19, 2009 shall not apply for the purpose of grant of Financial Upgradation under the

MACP Scheme.

4. Mr. Chhibber states, the consideration shall be in accordance with law.

5. In view of the submissions noted above, nothing further survives in the writ petition. It is expected that the respondents No. 1 and 2 shall consider the case of the petitioner for grant of Second MACP with in a period of four months, as an outer limit. Petition stands disposed of.

CM No. 30836/2016 (for direction)

Dismissed as infructuous.

V. KAMESWAR RAO, J

SEPTEMBER 06, 2017/ak