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

+ **W.P.(C) 806/2017**

HAR NAYAYAN SHARMA

..... Petitioner

Through Mr. Jetendra Singh, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through Mr. Rajan Sabharwal, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

10.07.2017

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Har Narayan Sharma in this writ petition, which was filed for the first time on 9th September, 2016 has prayed for grant of financial upgradation under Assured Career Progression Scheme (ACP Scheme) from 1st October, 1999 with consequential benefits.

2. The petitioner, we may note had retired from service as Assistant Security Commissioner on 31rd December, 2005.

3. *Per se* the claim made by the petitioner is belated and should not be entertained on account of delay and laches.

4. The writ petitioner admits that he was treated as appointed as Sub-Inspector with effect from 19th November, 1969, pursuant to decision of the Madhya Pradesh High Court. He was granted proforma promotion as Inspector Grade-II in the pay scale then prevailing of Rs.1600-2660 with

effect from 1st April, 1983 vide letter dated 20th March, 1997. Thereafter, the petitioner was treated as Inspector Grade-I in the pay scale of Rs.2000-3200 from 30th June, 1996 at par with his batchmates, who were appointed as Sub-Inspector in the year 1968-69.

5. It also appears that the petitioner's case for grant of financial upgradation was considered under the ACP Scheme, but he was declared as unfit in view of his grading or recording in the Annual Confidential Reports (ACRs). The petitioner was censured on two occasions.

6. We do not think the petitioner can now after a delay of nearly eleven years raise the aforesaid question of his grading or recording of censure in the ACRs for some years.

7. We may also note that the petitioner was subsequently declared fit and was, therefore, promoted as Assistant Security Commissioner on *ad hoc* basis with effect from 3rd August, 2005. The petitioner as recorded had retired on 31st December, 2005.

8. For the aforesaid reasons, the writ petition is dismissed on the ground of delay and laches.

SANJIV KHANNA, J.

NAVIN CHAWLA, J.

JULY 10, 2017
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