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

+ **W.P.(C) 6490/2017**

**RANJIT SINGH RAWAT**

..... Petitioner

Through: Mr. Narender Bhandari with Mr. Rahul  
Bora, Advocates

versus

**DIRECTORATE GENERAL BORDER SECURITY FORCES AND  
ORS**

..... Respondents

Through: Mr. Vivekanand Mishra, Senior Panel  
Counsel for UOI.

**CORAM:**

**HON'BLE MS. JUSTICE HIMA KOHLI**

**HON'BLE MS. JUSTICE REKHA PALLI**

**ORDER**

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**30.11.2017**

1. The petitioner was appointed on the post of Constable in the BSF on 18.12.1971, promoted to the post of Head Constable on 17.02.1992, followed by a promotion given to him on the post of Sub-Inspector on 19.05.2004, whereafter he took premature retirement on 30.04.2006. On 22.09.2014, the respondent No.1/Directorate General, BSF issued a letter for grant of first ACP to directly recruited Head Constables and second ACP to Constables, in accordance with the original Scheme of ACP, 1999, without insisting on the requirement of undergoing any pre-promotion courses. Based on the aforesaid decision, the petitioner made a representation dt. 31.08.2015 to the respondents for grant of the Second Scheme of ACP w.e.f. 19.12.1995, to which he did not receive any reply. Thereafter, the petitioner

made several representations that remained unanswered, which has led to his filing the present petition.

2. The grievance of the petitioner is that having completed 24 years of service on 17.12.1995 which was well before 09.8.1999, he is entitled for the grant of the benefit of the ACP Scheme, 1999, which has already been extended to several other similarly placed employees, but he has been discriminated against, without any justification.

3. Learned counsel for the respondents states that the case of the petitioner for grant of financial upgradation under the ACP Scheme was considered by a Board of Officers on 17.09.2015, but his case had to be kept pending for want of ACRs for the relevant period.

4. On a perusal of the documents filed by the respondents alongwith the counter affidavit, it transpires that the respondents have extended the benefit of upgradation of ACP to similarly placed employees as the petitioner, namely, SI Anand Blallabh Pant and SI Chandra Singh Negi and they were both recommended for grant of the second ACP in the pay scale of Rs.5500-175-9000, w.e.f. 09.08.1999.

5. Learned counsel for the respondents contends that the case of the aforesaid Sub Inspectors is on a different footing for the reason that unlike them, the petitioner herein had completed 24 years of service only on 17.12.1995, which does not fall between the period, 09.08.1999 to 31.08.2008, as contemplated in the letter dated 22.9.2014 issued by the DG, BSF and therefore, he has not been held entitled for grant of the second ACP.

6. We may note that SI Anand Blallabh Pant and SI Chandra Singh Negi, who had completed 24 years of service in the year 1995 and 1993

respectively, which was much before the period between 9.8.1999 to 31.8.2008 are similarly placed as the petitioner and both of them have admittedly been granted the benefit of the second ACP w.e.f. 09.8.1999.

7. Faced with this situation, learned counsel for the respondents states that the respondents may be permitted to examine the case of the petitioner afresh and take a decision for grant of the second ACP to him w.e.f. 19.12.1995. Learned counsel for the petitioner is agreeable to the said suggestion.

8. Accordingly, with the consent of the parties, the present petition is disposed of with directions issued to the respondents to decide the case of the petitioner for grant of the second ACP in the relevant pay scale w.e.f. 19.12.1995, within a period of six weeks from today, under written intimation to him.

9. The petition is disposed of. No orders as to costs.

**HIMA KOHLI, J**

**REKHA PALLI, J**

**NOVEMBER 30, 2017**

rkb/ap/av