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

+ **W.P.(C) 11424/2017 & CM No.46628/2017 (for exemption)**

RAM MEHAR SINGH Petitioner

Through: Dr.Surender Singh Hooda &
Mr.Vaibhav Verma, Advocates.

versus

BORDER SECURITY FORCE & ANR Respondents

Through: Ms.Shiva Lakshmi, CGSC with
Mr.Ruchir Ranjan Rai, Advocates.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **20.12.2017**

1. This petition has been filed by the petitioner praying *inter alia* for issuing directions to the respondents/BSF to grant him benefits of the ACP Scheme, 1999.

2. Learned counsel for the petitioner states that the petitioner was appointed as Constable in the BSF on 19.02.1969, whereafter he was promoted as Head Constable (Fitter) on 03.11.1986. The petitioner was admittedly placed in low medical category on 03.12.1998 for six months and continued to remain in the same category till 31.10.2003, when he was granted voluntary retirement from service. It is the contention of the petitioner that he was not present at the location and had not appeared before any Medical Board when the department had placed him in a low medical category on 03.12.1998.

3. We find from the record that for reasons best known to the petitioner, he did not challenge the said decision till 31.10.2003 when he retired from service under the Voluntary Retirement Scheme. After a passage of 12 years, the petitioner submitted a representation dated 15.05.2015 to the Directorate General of BSF seeking pensionary benefits under the ACP Scheme. When he did not receive any reply from the department, the petitioner filed W.P.(C) No.7750/2015 in this Court which was disposed of vide order dated 05.07.2015 with a direction to the respondents to decide the petitioner's representation within eight weeks.

4. By the impugned order dated 05.09.2017, the respondents have rejected the representation of the petitioner for grant seeking financial upgradations in accordance with the Assured Career Progression Scheme, 1999 on the ground that he had been placed in Low Medical Category 'BEE' (temporary) w.e.f. 03.12.1998 and remained in the said category till the date he was granted voluntary retirement and having failed to fulfil the promotional norms which was a mandatory requirement for grant of benefits under the ACP Scheme dated 09.08.1999, he was not eligible for grant of financial upgradations under the said ACP Scheme. Even today, the petitioner has not laid any challenge to his being placed in a low medical category as far back as on 03.12.1998. In any event, we are of the opinion that challenge even if laid to the said decision at this belated stage, would be hopelessly barred by delay and laches.

5. We find that the only prayer made by the petitioner in the present petition is for directing the respondents to grant him the benefits of the ACP Scheme, 1999, irrespective of his medical category which prayer is wholly

misconceived and runs contrary to the ACP Scheme itself.

6. Accordingly, the writ petition is dismissed in *limine* as meritless along with the pending applications.

HIMA KOHLI, J

REKHA PALLI, J

DECEMBER 20, 2017/gm