

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.S. NO. 1640 OF 2009**

• R.R. Bhagwan, S/o Late Shri Bhagwan Ram Teke, aged about 41 years, Constable, Force No. 914490294, C.I.S.F. 3rd Reserve Battalion, Utai, Bhilai, District Durg (CG) **... Petitioner**

versus

1. Union of India, through the Secretary, Ministry of Home Affairs, New Delhi.
2. The Director General, Central Industrial Security Force, Ministry of Home Affairs, 13 C.G.O. Complex, Lodhi Road, New Delhi 110003
3. The Commandant, Central Industrial Security Force, (C.I.S.F.), 3rd Reserve Battalion, Utai, Bhilai, District Durg (CG)
4. Deputy Inspector General (WZ) HQRS- Central Industrial Security Force, Navi Mumbai 74, Kharghar, Sec – 32 (M.H.) **... Respondents**

For Petitioner	:	Mr. Arvind Kumar Dubey, Advocate.
For Respondents	:	Mr. Raj Kumar Gupta, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****28/08/2018**

1. The relief sought for by the petitioner in the present writ petition is for a direction to the respondents to consider the case of the petitioner for grant of the benefits attached to the Assured Career Progressive (hereinafter referred to as "ACP") Scheme for the central government civil employees.
2. The contention of the counsel for the petitioner is that the petitioner has been granted the benefits under the ACP scheme with effect from 8.7.2003. However, after having drawn the benefits for about 3 years, it was finally withdrawn by the respondents in April, 2005 holding that the petitioner would be entitled for the benefits under the said scheme only from April, 2005 and not from April, 2003 as the petitioner has not cleared the 9mm pistol firing test which he was otherwise supposed to, enabling him to get the benefits of the ACP scheme. The said test of 9mm pistol firing was cleared by the petitioner only on 5.4.2005 and thereafter the respondents have cleared the benefits of the ACP scheme to the petitioner and for the previous period i.e. from 8.7.2003 to 5.4.2005 they have recovered the monetary benefits provided to the petitioner.

3. Counsel for the petitioner after arguing for some time finally prays that let the writ petition may be disposed of with a direction to the respondents to consider and decide the representation of the petitioner which he has filed on 25.10.2008 which till date has not been rejected by the respondents.

4. Given the said limited prayer of the petitioner, the writ petition itself is disposed of with a direction to respondent no.4 to consider and decide the case of the petitioner in the light of the provisions of the ACP scheme, and in case if he is entitled for any benefit the same be extended to him and in case if he is not entitled under the scheme then he be intimated suitably in writing. Let this be done at the at earliest.

5. With the aforesaid observation, the writ petition stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**