

CWP No. 12323 of 2018
DECIDED ON: MAY 17, 2018

HARJINDER SINGH

....PETITIONER

VERSUS

UNION OF INDIA AND ORS.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Kunal Vinayak, Advocate
for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ especially in the nature of mandamus, directing the respondents to grant the following benefits;

- 1. To grant 2nd Financial Upgradation under the ACP scheme from the due date (on completion of 24 years of regular service) along-with all consequential benefits including refixation of pay/pension, difference in salary, arrears and interest @18% per annum on the arrears; AND*
- 2. To grant 2nd and 3rd Financial Upgradation under the MACP Scheme w.e.f. 01.01.2006 (the date from which the MACP scheme is applicable) along-with all consequential benefits including refixation of pay/pension, difference in salary, arrears and interest @18% per annum on the arrears;*

2. At the very outset of the arguments, learned counsel for the petitioner submits that though a legal notice dated 03.03.2018 (P-8) was duly served upon the respondents but till date neither any reply to the notice has been received nor any conscious decision has been taken. He further submits that he feels satisfied in case a direction is issued to respondents to consider and decide the afore-said legal notice (P-8) within some stipulated period.

3. Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondents to look into the grievances unfolded by the petitioner in the legal notice dated 03.03.2018 (P-8) and to take a conscious decision in accordance with law, rules and regulations especially in view of judgment passed by Hon'ble Division Bench of the High Court of Delhi at New Delhi in W.P. (C) 4833/2015, titled as **Rajender Singh and others vs. Union of India and others**; decided on 18.05.2015 (P-4), within a period of three months from the date of receipt of certified copy of this order. .

4. However, if the petitioner still feel aggrieved against the order passed by the concerned authority, he shall be at liberty to have recourse to the other remedies as well as to approach this Court.

MAY 17, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*