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

+ W.P.(C) 1586/2018 & CM APPL. 6538/2018

MANMOHAN KHANNA Petitioner

Through: Mr. Rajat Aneja & Ms. Rashmi
Verma, Advs.

versus

HIGH COURT OF DELHI Respondent

Through: Mr. Viraj R. Datar, Adv.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **20.02.2018**

1. The petitioner is banking upon the repeated indulgence given to him – first, in the form of remission of the punishment (from compulsory retirement to withdrawal of three increments with cumulative effect); and then, later judgments of the Court, which granted limited relief. The last judgment was in the context of a writ petition (W.P.(C) No.3447/2016) where a direction was sought that he ought to be granted arrears of Grade Pay of ₹4600/- for the period with effect from 2006 to 2013. At that stage, the petitioner also claimed entitlement to all promotional scales and consequential benefits.

2. The grievance now made out in these proceedings is with respect to the rejection of a representation on 15.11.2017 by the High Court where it was claimed that the petitioner was entitled to

MACP having regard to the fact that the compulsory retirement dated 10.03.2008 was set aside and was reinstated by an order of 25.03.2009. It is, thus, stated that his entitlement to the second financial upgradation under the Modified Career Progression Scheme ought to have been earlier than 20.03.2012.

3. The facts would show that the petitioner was given the MACP package with effect from 20.03.2012. This was through an order of 26.09.2017 but that order was based upon this Court's interpretation of the petitioner's right having regard to the previous orders of the Court as well as to the eventuality that his punishment was set aside. It is a matter of record that the penalty ceased to be effective after 10.03.2011. In the circumstances, the fixing of the MACP benefit with effect from 20.03.2012 cannot be termed as unjustified.

The writ petition is, therefore, meritless and is dismissed. The pending application also stands disposed of accordingly.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

FEBRUARY 20, 2018

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