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

+ W.P.(C) 5020/2018 & CM APPL Nos. 19320-321/2018

KARAMBIR SINGH, EX. LANCE NAIK Petitioner
Through: Mr. O.P. Agarwal, Advocate.

versus

UNION OF INDIA AND ORS. Respondents
Through: Ms. Shiva Lakshmi, CGSC with
Mr. Ruchir Ranjan Rai, Mr. Vinod Kumar and
Mr. Siddharth Singh, Advocates with Mr. Vinod
Sharma, DC, BSF.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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10.05.2018

1. The petitioner, who had retired from the post of Lance Naik in the year 2009 has sought several reliefs against the respondents ranging from grant of the benefits of ACP and MACP Schemes to revision in his pension.
2. After addressing arguments as some length, learned counsel for the petitioner admits that since the petitioner was not in shape-I prior to his retirement, he could not claim the benefit of the ACP Scheme. He states that the post of Lance Naik had been scrapped by the respondents on 10.10.1997 and therefore, the description of the petitioner as a Lance Naik in his Certificate for Service is erroneous. He states that the petitioner was entitled for being granted the pay scale of Sub-Inspector but was given the pay scale of ASI.

3. The said submission is however disputed by learned counsel for the respondents, who states that vide order dated 10.10.1997, the post of Lance Naik had got merged with the post of Head Constable and the pay scale granted to the petitioner was in respect of the post of ASI, on which he had retired in the year 2009.

4. At this stage, learned counsel for the petitioner states that he may be permitted to withdraw the present petition, while reserving the right of his client to file a fresh petition only on the aspect of wrong designation of post at the time of his superannuation, for the purpose of grant of the benefits under the ACP Scheme.

5. Leave, as prayed for, is granted limited to the above.

6. The present petition is disposed of along with the pending applications.

HIMA KOHLI, J

VINOD GOEL, J

MAY 10, 2018

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