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

+ W.P.(C) 5562/2018

EX. HC/GD GANGA SINGH

..... Petitioner

Through: Mr.O.P.Agarwal, Advocate

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms.Anjana Gosain, Ms.Rabiya Singh
Thakur & Ms.Shalini Nair, Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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23.05.2018

1. This petition has been filed by the petitioner praying *inter alia* for directions to the respondent No.2/ITBP to grant him the benefit of the 2nd financial up-gradation under the ACP scheme with effect from 11.10.2002, in the pay scale of Sub-Inspector (GD), along with all consequential benefits.

2. A perusal of the paper book reveals that the petitioner had served a legal notice dated 09.11.2017 on the respondent No.2/ITBP for the very same relief and the respondents had promptly responded on 27.11.2017, informing the petitioner as follows:-

“2. In this regard it is intimated that information about last location/office from where your clients were proceeded on

retirement have not been incorporated in ibid representations, whereas reply of ibid representations can only be given by concerned office after scrutinization of his service record.

3. In this regard it is also intimated that in compliance of Judgement given by Hon'ble Delhi High Court on WP(C) 4833/2015 titled Rajendra Singh and Anr. vs. UOI and Ors. this department are being scrutinized and granting ACP benefits to the personnel (serving/retired) who were earlier granted financial benefits from the date of qualified requisite promotional course instead of completion of 12/24 years of regular service if found eligible.

4. Hence, your all representations dated 09-11-17 are being returned to your office originally with request that information about last place of posting with Regimental Number of your client where they were posted at the time of retirement be mentioned in representations so that relevant documents and service particular can be asked from concerned unit."

3. We have pointedly asked learned counsel for the petitioner as to whether the petitioner has furnished the requisite information to the respondents, as requested by them, for examining his case.

4. Learned counsel concedes that no such information has been furnished after receipt of the notice dated 27.11.2017. Instead, he states that all the relevant information is already available with the respondents.

5. In view of the above, we decline to entertain the present petition, as it is not maintainable in the facts and circumstances where the respondents have themselves called upon the petitioner to furnish all the relevant information in his power and possession, for examining his grievance.

6. If the petitioner does furnish the relevant information to the respondents within four weeks, the respondents shall examine his case in the light of his earlier representation dated 09.11.2017. The respondent No.2

will then pass a speaking order under written intimation to the petitioner, within twelve weeks, from the date of receipt of the information called for.

7. The present petition is disposed of, along with the pending application.

HIMA KOHLI, J.

PRATIBHA RANI, J.

MAY 23, 2018

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