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

+ **W.P.(C) 2710/2017**

MOHAN LAL

..... Petitioner

Through: Mr. Ankur Chhiber, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms. Shiva Lakshmi, CGSC and
Ms. Mahima Singh Gaur, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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18.01.2018

1. The petitioner has filed the present petition praying *inter alia* for issuance of a writ of certiorari for quashing the order dated 09.1.2016, the Signals dated 28.5.2013 and 03.7.2013 whereby he has been denied the benefits under the Second ACP Scheme.

2. Vide order dated 09.1.2016, the respondent/CRPF had informed the petitioner that he had not been granted the Second ACP on completion of 24 years of service in the Force for the reason that he had expressed his unwillingness to undergo the pre-promotional course for promotion to the rank of Sub-Inspector.

3. Learned counsel for the petitioner states that the date on which the petitioner had expressed his unwillingness to undergo the pre-promotional course was in the year 2010, whereas he had completed 24 years of service by August, 1999 itself. He states that the aforesaid issue is no longer *res integra* in view of the judgment dated 04.12.2015 passed by a Co-ordinate Bench of this Court in **W.P.(C) No. 11175/2015** entitled Surender Prasad Pandey & Anr. vs. UOI & Ors., wherein it has been held in clear terms that the subsequent events of unwillingness or inability to clear the pre-promotional course after a force employee had become entitled to the benefit under the ACP Scheme, would not be of any consideration.

4. In the counter affidavit filed by the respondents in the present case, it has been stated in para 2 of the parawise reply that the petitioner was given age relaxation for him to undergo the pre-promotional course that was conducted from 04.1.2010 to 13.2.2010, but he had expressed his unwillingness to attend the said course on the ground of personal difficulty and it is for the said reason that the petitioner was considered unfit for extension of the benefits under the Second ACP Scheme, in terms of the order dated 27.10.2015.

5. Keeping in view the legal position clarified in the order dated 04.12.2015, passed by the Co-ordinate Bench in the captioned case, we are of the opinion that the petitioner having completed 24 years of service by the year 1999, the unwillingness expressed by him to undergo the pre-promotional course, much later in the year 2010, would be of no consequence when it comes to his entitlement to the benefits of the Second ACP Scheme. Accordingly, the order dated 09.1.2016 and the Signals dated 28.5.2013 and 03.7.2013 are quashed and set aside and the present petition

is allowed by directing the respondents to grant the benefits under the Second ACP Scheme to the petitioner after verifying his service records and release all the consequential benefits to him. Needful shall be done within eight weeks, under written intimation to the petitioner.

6. The petition is disposed of.

HIMA KOHLI, J

REKHA PALLI, J

JANUARY 18, 2018

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