

\$~

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

15

+ **W.P.(C) 648/2018**

NARAIN SINGH, EX. HC/GD

..... Petitioner

Through: Mr O.P. Agarwal, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Rajesh Kumar, Advocate.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

%

18.09.2019

1. The prayer in the present petition by the Petitioner who is a former Head Constable / General Duty ('HC'GD') in the Sashastra Seema Bal ('SSB') is that he should be granted the 1st financial upgradation under the Assured Career Progression ('ACP') Scheme with effect from 9th August, 1999 in the pay scale of Sub Inspector/ General Duty ('SI/GD') and other consequential benefits.

2. In the counter affidavit filed by the Respondents, it is pointed out that the Petitioner was promoted as HC/GD on 8th January, 1998, and was granted the matriculate scale.

3. The controversy now, therefore, boils down to the grant of the 2nd financial upgradation.

4. The stand of the Respondents is that the Petitioner did not qualify for the promotion as SI/GD as he did not pass the 1st class educational examination which is conducted at the Directorate level for promotion from HC to Sub Inspector.

5. This being an essential condition for grant of the further promotion to the rank of SI, the question of grant of 2nd financial upgradation and financial benefits under the ACP Scheme does not arise.

6. Mr. Agarwal, learned counsel for the Petitioner submitted that although the Petitioner did not qualify in the above examination that was at a stage when the ACP Scheme had not become operative. His submission is that after the ACP Scheme came into force on 9th August 1999, he should have been detailed for the said course once again.

7. The admitted position is that the Petitioner proceeded on voluntary retirement with effect from 1st December 1999. There was no occasion, therefore, for the Respondents to send him again for the training or give another opportunity to qualify in the above examination.

8. The petition is accordingly dismissed. No costs.

S. MURALIDHAR, J.

TALWANT SINGH, J.

SEPTEMBER 18, 2019/*rd*