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

+ **W.P.(C) 8197/2019**

PARMESHAR SINGH Petitioner
Through Mr. K. K. Sharma, Advocate

versus

UNION OF INDIA AND ORS. Respondents
Through Mr. Gigi C. George with Mr. Suraj
Kumar, Advocates

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

% **05.12.2019**

1. On 30th July, 2019 the following order was passed by the Court:

“The grievance of the petitioner is that he was denied the benefit of MACP on the ground that his ACR grading for the year 2010 was below benchmark, however, he was never communicated the below benchmark ACR for the year 2010. On 04.10.2016, the respondents have themselves passed an order acknowledging the fact that they have not communicated the adverse/ below benchmark grading of "Below Average" and they upgraded the grading to "Good". The submission of the petitioner is that the said upgraded grading of "Good" is sufficient to entitle him to grant of MACP benefit.

We direct the respondents to examine the said claim and if the benchmark for grant of MACP benefit at the relevant time was "Good\ the said benefit should be extended to the petitioner without waiting for any further orders of the Court. However, in case they wish to contest the petition, they shall file their counter-affidavit within six weeks. In that eventuality, the petitioner may file rejoinder thereto, if any, within four weeks thereafter.

List on 05.12.2019.”

2. Considering that on 4th October, 2016 the Respondents had themselves acknowledged the fact that they had not communicated the adverse/below benchmark grading of ‘below average’, and they had themselves upgraded the grading to ‘good’, the corresponding orders granting the MACP/upscaling benefit to the Petitioner are required to be passed.
3. Since the Respondents have not chosen to contest the petition thus far, the Court disposes of the present petition directing the Respondents to grant the MACP/upscaling benefit to the Petitioner upon completion of 20 years of regular service by issuing the appropriate orders within a period of eight weeks from today.
4. The petition is disposed of in the above terms.

S. MURALIDHAR, J.

TALWANT SINGH, J.

DECEMBER 05, 2019

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