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

+ **W.P.(C) 10661/2018 and CM APPL. 41564/2018**

VIDULA

..... Petitioner

Through: Mr. Sumeer Kumar, Advocate.

versus

GOVERNMENT OF NCT OF DELHI AND ORS. Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

28.01.2019

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The petitioner has preferred the present writ petition to assail the order dated 05.03.2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (CAT/ Tribunal) in O.A. No.958/2018.

The Tribunal has rejected the said Original Application, wherein she was aggrieved by denial of the second financial upgradation from Grade Pay of Rs.4800 to 5400 to the late husband of the petitioner which he claimed with effect from 01.09.2008 under the MACP Scheme. The late husband of the petitioner had earlier preferred O.A. No.3219/2012 challenging the ACR gradings for the period 01.04.2006 to 31.03.2007 and 01.04.2007 to 31.03.2008, wherein he was graded as 'Average'. The said Original Application was disposed of by the Tribunal on 24.11.2014. The Tribunal directed the respondent to consider the petitioner's claim for financial

upgradation in terms of the MACP Scheme with effect from the date when he completed 30 years of service on the basis of the available record.

The petitioner preferred W.P. (C.) No. 6604/2017 before this Court to assail the said order of the Tribunal. This Court disposed of the said writ petition on 02.08.2017. While this Court upheld the ACR gradings granted to the petitioner's husband, the issue whether the petitioner's husband was entitled to second MACP upgradation, was left to be decided by the Tribunal. Consequently, the petitioner preferred the present Original Application, which has been rejected by the Tribunal on the premise that since the petitioner's husband did not meet the eligibility criteria on account of his average grading, he was not entitled to second financial upgradation under the MACP.

Learned counsel for the petitioner has again sought to reopen the aspect of the ACR gradings of the late husband of the petitioner. We are afraid, that cannot be permitted in view of the earlier orders passed by the Tribunal as well as by this Court in W.P. (C.) No. 6604/2017. We find no infirmity in the impugned order.

Dismissed.

VIPIN SANGHI, J

A. K. CHAWLA, J

JANUARY 28, 2019

B.S. Rohella