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

+ W.P.(C) 9935/2018

MAHENDER TEK

..... Petitioner

Through

Mr.Padma Kumar, Sr. Adv. with
Mr.Krishna Kumar Mishra, Adv.

versus

THE DISTRICT AND SESSIONS JUDGE AND ORS.

..... Respondents

Through

Ms.Avnish Ahlawat, Standing
counsel with Mr.N.K. Singh, Adv. for
R-1.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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09.05.2019

Vide the present petition, the petitioner seeks direction thereby to set aside order dated 08.01.2018 and 13.08.2018.

Consequently, consider the case of the petitioner for 2nd MACP with the Grade Pay of Rs.4800 on completion of 10 years from 2002 with all consequential benefits.

In the counter affidavit filed by respondent no.1, it is stated that the case of the petitioner had been again placed before the Screening Committee and vide minutes of the meeting dated 17.07.2018, the committee deferred the matter with the following recommendations:

“The due date of 2nd MACPS is 09.10.2012. Earlier his case was considered by the Committee and found him unfit due to non fulfilling the benchmark of ACR (Adverse ACR for the year 2007 is recorded ‘C’ and 2008 is also recorded ‘C’) for grant of 2nd MACPS. His ACR for the

year 2009 and 2010 have been recorded as “B+ ” and for the year 2011 ‘A’ and for the year 2012 ‘B+’. Hence, his case is deferred as benchmark is to be decided by the Hon’ble High Court of Delhi.”

Thereafter vide communication dated 31.07.2018 from the Registrar General, High Court of Delhi to the District & Sessions Judge (Headquarters) stated as under:

“Sub: Recommendation dated 20.04.2018 to consider Benchmark for FIT cases for grant of promotion and MACP to the employees of District Courts of Delhi.

Sir,

I am directed to refer to your letter No.1178/Admn.-1/S&P (Sr. P.A.)/2018 dated 24.05.2018 on the subject captioned above and to request you to take steps w.r.t. the benchmark already fixed by the Selection Committee of this Court and as communicated vide this Court’s letter No. 16589/Estt/E-3/DHC dated 12.06.2014.

I am further directed to request you to take appropriate action w.r.t. grant of MACP to your staff in terms of the relevant rules & OMs issued by the DoPT from time to time, being fully competent authority.”

As stated by counsel for the parties that on the communication dated 31.07.2018, no decision has been taken by the District & Sessions Judge (Headquarters).

Accordingly, I hereby dispose of the present petition directing the respondent no.1 to take final decision within eight weeks from the receipt of this order.

SURESH KUMAR KAIT, J

MAY 09, 2019

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