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

+ **W.P.(C) 10490/2017**

GOPAL CHANDRA DAS Petitioner

Through: Mr. Ankur Chhibber, Advocate.

versus

UNION OF INDIA AND ORS. Respondent

Through: Mr. J.P. Sharma, Advocate.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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13.02.2020

1. The prayer in the present petition is for quashing the signals dated 28th May, 2013 and 3rd July, 2013 whereby the Respondents have denied to the Petitioner the benefits under ACP Scheme.

2. In its order dated 4th April, 2018 the Court noted as under:

“1. Counter affidavit has been filed by the respondents.

2. Mr. Ankur Chhibber, learned counsel for the petitioner states that he has recently received a copy of the reply dated 13.03.2018, issued by the CRPF to a legal notice dated 12.09.2017, issued on behalf of the petitioner stating *inter alia* that he is eligible for the benefits under the 1st financial upgradation under the ACP Scheme for the period w.e.f. 09.08.1999 to 31.12.2001. However, the petitioner has been held ineligible for grant of the 2nd financial upgradation under the ACP Scheme.

3. Learned counsel for the petitioner submits that he may be permitted to obtain instructions from his client with regard to the decision of the respondents declaring him ineligible for the 2nd financial upgradation under the ACP Scheme.

4. A copy of the reply dated 13.03.2018 is taken on record, with a copy furnished to the learned counsel for the respondents.

5. List on 03.05.2018, in the category of '*Directions*', for awaiting instructions."

3. Thereafter, on 9th August, 2018 the following order was passed:-

"1. Counter affidavit has been filed by the respondents.

2. Learned counsel for the petitioner seeks time to file a rejoinder. He also states that the issue with regard to entitlement of a force personnel, who is suffering from colour blindness, for grant of regular promotion/ACP is under consideration before Supreme Court in the case of U.O.I & Ors. Vs. HC/GD/ R.C Mandi Etc., which is likely to be disposed of in the very near future.

3. Rejoinder, shall be filed within four weeks with a copy to the other side. In the event, the Supreme Court takes any decision in the captioned matter before the next date, the same shall be placed on record.

4. List on 17.01.2019."

4. When the matter was taken up for hearing on 22nd May, 2019 a short adjournment was sought by the Respondents to take instructions on whether the Petitioner would be entitled to the relief prayed for in light of the decisions dated 28th February, 2013 of this Court in W.P. (C) 356/2013 (***P. Suresh Kumar v. Union of India***) as well as the decision dated 1st May, 2019 of the Supreme Court in CA Nos.3938-3961/2016 (***Union of India v.***

HC/GD RC Mandi Etc.).

5. Learned counsel for the Respondent today informs the Court that the matter is under active consideration of the Ministry of Home Affairs and that all cases up to 27th February, 2013 have been consolidated and will be considered in light of the above decisions. It is made clear that the impugned signals to the extent that they deny the benefit under the ACP/MACP Scheme to the Petitioner only because of his not being sent for the pre-promotional course on account of colour blindness are not valid in view of the above decisions of this Court and the Supreme Court.

6. In that view of the matter, it is directed that the Respondents will take a decision on the grant of benefit of the second financial upgradation under the MACP scheme to the Petitioner in light of the above decisions not later than 31st March, 2020 and communicate the decision to the Petitioner on or before 15th April, 2020. If the Petitioner is aggrieved by such decision, it will be open to him to seek remedies in accordance with law.

7. The petition is disposed of in the above terms.

S. MURALIDHAR, J.

TALWANT SINGH, J.

FEBRUARY 13, 2020

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