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

% ***Date of decision: 20.10.2022***

+ **W.P.(C) 14865/2022**

MOHAN PRASAD UPADHYAY Petitioner

Through: **Ms. Saahila Lamba, Advocate**

versus

UNION OF INDIA & ORS. Respondents

Through: **Mr. N.K. Aggarwal, Sr. Panel
Counsel with Mr. Gaurav Gupta, GP
with Mr. Hemendra Singh, Dy.
Commandant (Law) BSF**

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

1. Vide the present petition, the petitioner seeks following relief(s):

- “i. Issue a writ of certiorari quashing order dated 03.09.2015 issued by respondents denying benefit of second financial upgradation under Assured Career Progression Scheme to petitioner;*
- ii. Issue a writ of mandamus directing the respondents to grant second financial upgradation under Assured Career Progression Scheme to petitioner with effect from 12.11.2007 and consequently fix pension of petitioner on said basis and make payment of arrears to petitioner;*
- iii. Pass any such other orders as it may deem fit to this Hon'ble Court in the facts and circumstances of the case.”*

2. Notice issued.

3. Learned counsel for respondents accepts notice.

4. As per the learned counsel for the petitioner, the cases of similarly situated persons have already been decided by a Co-ordinate Bench of this

Court vide Order dated 06.12.2019 passed in the case of ***Jai Kant Singh vs. Union of India and Ors. : W.P.(C) 13497/2018.***

5. Accordingly, we hereby direct the respondents to take a final decision in the case of petitioner herein in view of para 11 of aforesaid order passed in the case of ***Jai Kant Singh (Supra).***

6. Needless to say, if the petitioner feels aggrieved by the decision taken on the representation, the petitioner may challenge the same before the appropriate forum.

7. With the aforesaid directions, the present petition stands disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

OCTOBER 20, 2022

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