

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25685-2023
Date of Decision:04.04.2024

OM PARKASH Petitioner

Versus

UNION OF INDIA AND ORS. Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Jai Singh Yadav, Advocate
for the petitioner.

Mr. Indresh Goel, Senior Panel Counsel
for the respondents-UOI.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to grant him 3rd financial up-gradation under MACP Scheme.
2. The petitioner on 20.10.1987 joined respondent as Soldier. He was promoted to the rank of Havaldar in 2001 and further promoted to the post of ASI (GD) in 2013. He sought voluntarily retirement on 31.07.2019. He claims that he was not awarded 3rd MACP on completion of 30 years of service.
3. Mr. Jai Singh Yadav, Advocate submits that respondent has denied MACP on the sole ground that there was an adverse remark in the APAR. The petitioner was communicated adverse remark in 2018, thus, respondent could not rely upon adverse APAR.

4. Mr. Indresh Goel, Senior Panel Counsel submits that petitioner has approached this Court without availing remedy against adverse APAR. Although, he was communicated adverse APAR at a later stage, he could avail remedy of statutory appeal within 30 days from the date of receipt of adverse APAR.
5. On being confronted with representation dated 29.07.2018 (Annexure P-3) filed by petitioner to Commandant and Legal Notice dated 09.05.2023 (Annexure P-5) served upon DGP, Mr. Indresh Goel, Senior Panel Counsel submits that Competent Authority would consider representation dated 29.07.2018 (Annexure P-3)/Legal Notice dated 09.05.2023 (Annexure P-5) as appeal and pass an appropriate order within 3 months from today. The Appellate Authority would consider grievance of petitioner on merits.
6. Learned counsel for the petitioner agrees to the aforesaid arrangement.
7. In the wake of statement of both sides, the present petition stands disposed of.

(JAGMOHAN BANSAL)

JUDGE

04.04.2024

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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>