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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 3777/2023 & CM APPL. 14690/2023 –Dir. (Delay).

PREM CHAND KASHYAP

.....Petitioner

Through: Mr.Pawan Kumar Bansal with
Mr.Ahsal Haq, Advs.

versus

UNION OF INDIA & ANR.

.....Respondent

Through: Ms.Bharathi Raju with Mr.Venkat
Mani Tripathi, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

16.07.2024

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1. The petitioner, who superannuated from the BSF as a Sub-Inspector has approached this Court seeking the following reliefs:-

“i). Issue an appropriate writ/ order/ directions for quashing of letter Reference No. Estt/17BN 102/2015/17257 issued by DC/ADJT for COMMANDANT 17 BN BSF of the Respondent No. 2. Dated 18.08.2015;

ii) Issue an appropriate writ/ order/ directions for quashing of Letter Reference No. 102/ /17 BATTALION/ 2019/1876-77, issued by COMMANDAT 17, BATTALION Border Security Force of the Respondent No.2, dated 05.12.2019;

iii) Issue a writ of mandamus upon the respondents directing them to consider and grant the benefits of ACP and MACP to the petitioner and to grant other appropriate reliefs.

iv) Rule NISI in terms of prayer above and to make the Rule absolute if no cause or insufficient cause is shown in answer thereto;

v) Such other and/ or further orders as this Hon'ble Court, may deem fit in favour of the Petitioners be made in the circumstances of the case aforesaid.”



2. Learned counsel for the petitioner submits that it is the respondents' own case as set out in para 9 of the counter affidavit that on 14.12.2023 the petitioner's claim for revision on account of 2nd ACP has already been forwarded to the Account Officer(PAO BSF East), PAD BSF, New Delhi. Further in pursuance to the said directions, some amount has already been credited to the petitioner's bank account without him being informed about the calculations based on which the said payments have been credited.
3. In the light of the aforesaid, when the respondents have themselves agreed that the petitioner is entitled to grant of benefit of 2nd ACP nothing further survives for adjudication in the present petition, which is, accordingly, disposed of by directing the respondents to furnish a copy of the calculation to the petitioner within six weeks and remit any balance payment of his account payable to him within the same period of six weeks.
4. Needless to state, in case the petitioner has any grievance regarding the calculations, it will be open for him to seek legal recourse as permissible in law.

REKHA PALLI, J

SHALINDER KAUR, J

JULY 16, 2024

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