



\$~133

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

+ W.P.(C) 9970/2024 and CM APPL. 40837/2024

SH ANIL KUMAR

.....Petitioner

Through: Mr. Abhik Chimni, Ms. Nabira Farman, Mr. Maarooof and Ms. Pranjal Abral, Advocates.

versus

JAWAHARLAL NEHRU UNIVERSITY

.....Respondent

Through: Mr. Vasanth Rajasekaran, Standing Counsel with Mr. Harshvardhan Korada, Advocate for Respondent/JNU.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

22.07.2024

%

1. This writ petition has been preferred by the Petitioner laying a challenge to orders dated 27.02.2024 and 01.02.2024 and seeking Second Financial Upgradation under the MACP Scheme from 21.04.2015 instead of 01.01.2016, the date from which the benefit has been granted to the Petitioner pursuant to the judgment of this Court delivered on 21.03.2023 in W.P. (C) No. 1227/2019 titled '*Sh. Anil Kumar v. Jawaharlal Nehru University*'.

2. This is a second round of litigation. In the first writ petition, Petitioner had sought counting of his past service in the post of Junior Assistant-cum-Typist w.e.f. 01.01.1996 and to take into account the period from 01.01.1996 to 03.02.2013 towards eligibility period for computation of 20 years service required for grant of second financial upgradation under the MACP Scheme in PB-2 with Grade Pay of Rs.4200/-. Writ petition was allowing directing the Respondent to count the service of the Petitioner for the aforesaid period and consider his case for second financial upgradation



under the MACP Scheme taking the commencement of 20 years from 01.01.1996.

3. Pursuant to the judgment, Respondent granted the second MACP but from 01.01.2016, which has compelled the Petitioner to approach this Court again. It is the case of the Petitioner that an inadvertent error had occurred in the earlier writ petition in seeking to reckon the counting of his past service from 01.01.1996, whereas it should be from 21.04.1995, when the Petitioner joined service on regular basis in the direct entry grade. It is urged that once this date is corrected, Petitioner will become entitled for second MACP from 21.04.2015. Petitioner has made a representation on 08.03.2024 followed by reminders on 02.04.2024 and 10.05.2024, requesting the Respondent to correct the error but there has been no response.

4. Issue notice.

5. Mr. Vasanth Rajasekaran accepts notice on behalf of the Respondent.

6. Having heard counsels for the parties, in my view, it would be appropriate at this stage to dispose of the petition with a direction to the Respondent to decide the representation dated 08.03.2024, within a period of four weeks from today by passing a speaking and reasoned order, which shall be communicated to the Petitioner, who shall be at liberty to take recourse to appropriate remedies, in accordance with law, in case of any surviving grievance.

7. Petition stands disposed of in the aforesaid terms along with the pending application.

JYOTI SINGH, J

JULY 22, 2024

B.S. Rohella