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

+ **W.P.(C) 10665/2024**

BIRPAL SINGH

.....Petitioner

Through: Mr. R.K. Shukla and Ms. Nisha,
Advocates

versus

GNCTD AND ORS

.....Respondents

Through: Mr. Shashank Singh, Advocate for
Mr. Gaurav Dhingra, counsel for Respondents
No.1 to 3.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

02.08.2024

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1. This writ petition has been preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:

"I. To issue a writ in the nature of mandamus or such other appropriate writ or order thereby directing the respondent no. 4 to 5 to comply with the order dated 19.06.2024 addressed to Nutan Marathi senior secondary school thereby the service record of the petitioner may be forwarded to the respondent no.03 enabling the petitioner to consider his grievance for grant of financial upgradation which was due on 15.07.2006 and 15.07.2014.

II. To direct the respondents to forward the records of the petitioner for consideration of first ACP, second M ACP and third MACP.

III. To direct the respondents to grant financial upgradation under the ACP and MACP scheme along with all consequential benefits like as difference of arrears of Pay etc.

IV. To pass any other and further order which this Hon'ble court deems fit and proper under the facts and circumstances of the case."

2. It is the case of the Petitioner that he was appointed as PGT (Maths) through direct recruitment in Nutan Marathi Senior Secondary School, Pahar



Ganj/Respondent No. 4 w.e.f. 15.07.1994 and has been working dedicatedly and without any blemish. DoPT vide O.M. dated 09.08.1999 introduced Assured Career Progression ('ACP') Scheme, under which 1st financial upgradation is granted on completion of 12 years of service subject to fulfilling the norms and promotion benchmarks. Having been appointed on 15.07.1994, Petitioner became eligible for consideration for 1st financial upgradation under ACP Scheme w.e.f. 15.07.2006. Pursuant to recommendations of the 6th CPC, Modified Assured Career Progression ('MACP') Scheme was introduced vide DoPT O.M. dated 19.05.2009, effective from 01.09.2008 and Petitioner became eligible for financial upgradations under the said Scheme but till date, the school has not forwarded the proposals to the Directorate of Education ('DOE'). The school is a recognised aided school with 95% grant from the Government of NCT of Delhi ('GNCTD') and despite four communications from the DOE asking the school to submit the proposals in case of the Petitioner for grant of financial upgradations, no steps have been taken by the school and Petitioner is suffering a huge monetary loss.

3. Issue notice.

4. Mr. Shashank Singh, Advocate for Mr. Gaurav Dhingra, learned counsel for Respondents No.1 to 3 accepts notice and on instructions, submits that several communications have been sent to the school by DOE seeking proposals for considering the case of the Petitioner for financial upgradation but the school is not responding and is totally non-compliant with the directions issued.

5. Heard learned counsels for the parties.



6. From the narrative in the writ petition, it emerges that Petitioner was appointed in the school on 15.07.1994 as PGT (Maths). On introduction of the ACP Scheme vide DoPT O.M. dated 09.08.1999, Petitioner became entitled for consideration for 1st financial upgradation on completion of 12 years of service w.e.f. 15.07.2006 and on introduction of MACP Scheme vide DoPT O.M. dated 19.05.2009 effective from 01.09.2008, Petitioner became entitled for consideration for 2nd financial upgradation w.e.f. 15.07.2014 and 3rd financial upgradation w.e.f. 15.07.2024 on completion of 30 years of service. Despite this, the school has not sent the proposal to DOE. Communication dated 19.06.2024 by the DOE to the school reflects that as many as three communications were sent prior thereto by the Deputy Director of Education, Zone-28 to the HOS/Manager of the school seeking proposals, but to no avail. This indeed is a sorry state of affairs where an employee due for 1st financial upgradation in 2004 is still awaiting consideration, which is his vested right.

7. This writ petition is accordingly disposed of directing the school to comply with the direction of DOE in the communication dated 19.06.2024 and forward the proposals in case of the Petitioner for financial upgradations under the ACP/MACP Schemes within three weeks from today. On receipt of proposals, further necessary action shall be taken by the DOE without any delay.

JYOTI SINGH, J

AUGUST 02, 2024/kks/DU