



\$~17

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

+ W.P.(C) 10436/2015 and CM APPL. 26008/2019

R.S. CHAUHAN

.....Petitioner

Through: Mr. Rajeev Saxena, Ms. Megha Saxena and Ms. Shreya Bhatnagar, Advocates

versus

UNION OF INDIA & ANR

.....Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

10.09.2024

%

1. This writ petition has been preferred on behalf of the Petitioner seeking financial upgradation under the Modified Assured Career Progression Scheme (MACP Scheme) from the date of eligibility of the Petitioner.

2. Counter affidavit has been filed on behalf of the Respondents in which it is stated that case of the Petitioner for grant of financial upgradation under the MACP Scheme was considered by the Screening Committee on 17.02.2015 and the relevant ACRs/APARs taken into consideration were for the years 2003-04 to 2007-08. However, the consideration was deferred as some of the ACRs of the Petitioner had below benchmark gradings. Following the guidelines laid down in DoPT O.M. dated 13.04.2010, the ACRs were communicated to the Petitioner seeking his representation, if any. After considering the representation(s), comments and recommendations of the Reporting and Reviewing Officers, the Competent Authority vide order dated 15.09.2015 directed upgradation of the ACR for the period 2003-04 to 'Very Good' from 'Good', but no merit was found in the representation for upgrading the remaining ACRs. After upgradation in



one ACR, case of the Petitioner was again considered by the Screening Committee on 28.09.2015 but financial upgradation was not recommended as the ACRs did not meet the required benchmark.

3. After hearing some arguments, it is apparent that financial upgradation under MACP Scheme was not granted to the Petitioner as his ACRs did not meet the required benchmark of 'Very Good'. While his ACR for the period 2003-04 has been upgraded but other ACRs in the reckonable profile continue to have below benchmark gradings and this explains the reason for rejection of Petitioner's case for financial upgradation. Reading of the present writ petition shows that while the Petitioner has in the prayer clause subtly prayed for upgradation of the relevant ACRs but there are no grounds to substantively challenge the ACRs.

4. In light of this, Mr. Rajeev Saxena, learned counsel for the Petitioner, on instructions, seeks to withdraw this petition to file a fresh writ petition laying a substantive challenge to the ACRs which contain below benchmark gradings and were in the reckoning before the Screening Committee for grant of MACP benefit.

5. Accordingly, this writ petition is disposed of as withdrawn with liberty to the Petitioner to file a fresh petition laying a challenge to the relevant ACRs as well as rejection of his case for financial upgradation under the MACP Scheme, in accordance with law, making it clear that this Court has not entered into the merits of the case at this stage. Pending application also stands disposed of.

JYOTI SINGH, J

SEPTEMBER 10, 2024/kks/shivam