



CWP-17866-2016 (O&M)
DECIDED ON: 26.08.2025

.....PETITIONER

UNION OF INDIA AND OTHERS

.....RESPONDENTS

Present: Mr. Vikram Singh, Advocate and
Mr. Ishnoor Singh, Advocate for
Mr. Gurpreet Singh, Advocate
for the petitioner.

Mr. Brijeshwar Singh Kanwar, Sr. Panel Counsel,
for the respondent-UIO.

SANDEEP MOUDGIL, J (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to grant financial upgradation by way of second ACP w.e.f. completion of 24 years of service with all consequential benefits in terms of Policy dated 09.08.1999 (Annexure P-1) specially when other similarly situated persons have got the financial benefits in pursuance of the directions issued by Delhi High Court in various writ petitions including one ***Jaipal Singh & others vs. UOI and others***, (Annexure P-2) with further prayer for issuance of a writ in the nature of

certiorari seeking quashing of impugned order dated 31.10.2015 (Annexure P-7) vide which the respondents have rejected the afore-said claim.

2. It has been contended by learned counsel for the petitioner that the petitioner was recruited as Sepoy/GD in the CRPF on 17.06.1983 and subsequently promoted as Head Constable/Driver on 13.06.2001. The petitioner completed 24 years of service on 16.06.2007 and thereby became entitled to the benefit of the Second Assured Career Progression (2nd ACP) as per the policy dated 09.08.1999. The said policy clearly stipulates the grant of financial upgradation on completion of 12 and 24 years of service.

3 It is submitted that the petitioner was not deputed to undergo the mandatory WT (P) Technical Course within the prescribed time, which is the sole reason for denial of the 2nd ACP. However, it is pertinent to note that this delay was not on the part of the petitioner but due to departmental failure to provide timely opportunity for the course. The petitioner successfully completed the WT (P) Technical Course on 20.05.2015 at Central Training College, CRPF, Coimbatore, securing a BY Grade.

4. The issue before this Court is whether an employee can be denied financial upgradation under the ACP scheme on the ground of non-completion of a promotional course within the stipulated period when the delay is attributable solely to the department. This issue was authoritatively addressed by the Division Bench of the Delhi High Court in WP(C) 5539 of 2013 (*Jai Pal Singh & Others v. Union of India & Others*, decided on 06.09.2013), where it was held that an employee cannot be made to suffer due to departmental failure in deputing him for the requisite promotional course. The court held that such delay cannot be a valid ground to deny ACP benefits.

5. It is further submitted that the ACP scheme, as clarified in the policy dated 09.08.1999, is meant purely for financial upgradation and does not amount to functional or regular promotion. The relevant extract of the policy states:

"The ACP Scheme envisages merely placement in the high pay-scale/grant of financial benefits (through financial upgradation) only to the Government servant concerned on personal basis and shall, therefore, neither amount to functional/regular promotion nor would require creation of new posts for the purpose."

6. Therefore, strict compliance with the conditions meant for regular promotions cannot be imposed on the ACP scheme.

7. It is further submitted that in similar circumstances, the respondent had granted 2nd ACP to 72 individuals vide order dated 12.05.2014, who had also not undergone the promotional course within time but completed the same subsequently. The petitioner's case is no different except for the reason cited for non-deputation (lack of vacancies and the petitioner being in Shape-II due to obesity). The petitioner has now fulfilled the condition by successfully completing the WT (P) Technical Course. Moreover, the ACP scheme is a welfare and beneficial measure designed to mitigate stagnation and hardship caused by lack of regular promotional avenues. A rigid and literal interpretation of promotional course attendance conditions, leading to denial of ACP, defeats the very purpose of the scheme. This Court should adopt a purposive approach in interpreting the scheme in favour of the petitioner.

8. Learned counsel for respondent-UOI submits that the policy, while conferring financial upgradation under the ACP scheme, mandates that the employee must undergo and successfully complete the relevant promotional course. The WT (P) Technical Course is a mandatory precondition for eligibility for the 2nd ACP, as the scheme aims to reward employees who have acquired

necessary professional qualifications commensurate with higher responsibilities. Moreover, the petitioner was not deputed for the WT (P) Technical Course within the prescribed time frame after completing 24 years of service, which is a prerequisite for grant of 2nd ACP. The petitioner's failure to complete the course within this time period has resulted in his ineligibility for the 2nd ACP as per the extant policy. The ACP scheme is designed to reward meritorious and qualified employees who meet all conditions, including timely completion of prescribed courses.

9. Granting ACP benefits without adherence to prescribed conditions would dilute the integrity of the scheme and set a precedent for indiscriminate financial upgradations. The policy aims to ensure that only those employees who fulfill the prescribed criteria, including course completion, benefit from ACP.

10. Accordingly, he prays for dismissal of the present petition and the petitioner's claim for 2nd ACP be rejected on the ground of non-fulfillment of the mandatory requirement of completing the WT (P) Technical Course within the stipulated time, in accordance with the policy dated 09.08.1999 and applicable rules.

11. Heard learned counsel for the respective parties.

12. The petitioner has completed 24 years of service on 16.06.2007 and thereby became entitled to the benefit of the 2nd Assured Career Progression (ACP) under the policy dated 09.08.1999. The policy explicitly provides for financial upgradation on completion of prescribed years of service, which the petitioner has duly fulfilled. The denial of the 2nd ACP benefit to the petitioner is solely on the ground that he did not undergo the mandatory WT (P) Technical Course within the

stipulated time frame. However, it is not disputed that this delay was attributable to the department's failure to depute the petitioner for the course in a timely manner. The petitioner has since completed the said course on 20.05.2015 with a satisfactory grade. This clearly demonstrates the petitioner's willingness and ability to fulfill the mandatory requirement, which was impeded due to departmental shortcomings. The legal position laid down by the Division Bench of the Delhi High Court in **Jai Pal Singh & Others v. Union of India (WP(C) 5539 of 2013)** is directly applicable and squarely supports the petitioner's claim. The court held that employees should not be made to suffer for the department's failure to provide timely deputation for promotional courses, and denial of ACP benefits on such grounds is unjust. The ACP scheme is a beneficial measure aimed at providing financial upgradation to employees who face stagnation due to limited promotional avenues. It is not a functional promotion and does not create any new post. Therefore, strict compliance with promotional course attendance, which is mandatory for regular promotion, cannot be imposed on ACP benefits so rigidly as to defeat the very object of the scheme. The petitioner's case finds further support in the fact that 72 other similarly placed individuals were granted the benefit of 2nd ACP despite having completed the promotional course subsequent to the prescribed period, as per the respondent's order dated 12.05.2014. Denying the petitioner the same benefit in identical circumstances would amount to discrimination and violate principles of natural justice.

13. The scheme should be interpreted liberally and in a manner that advances the welfare of government employees. The petitioner, being placed in Shape-II category on account of obesity, has no control over such medical

categorization. It would be inequitable to deny the petitioner financial upgradation on this ground.

14. In view of the discussions made hereinabove, the instant petition is allowed and respondent No.3 is directed to grant the petitioner the benefit of the 2nd ACP retrospectively from the date he became eligible, i.e., on completion of 24 years of service on 16.06.2007, with all consequential monetary benefits within a period of four weeks' from the date of receipt of certified copy of this order.

15.. No order as to costs.

26.08.2025
sham

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>