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

+ W.P.(C) 1021/2025 (*Disposed of case*)

DULI CHAND KOLI

.....Petitioner

Through: Mr. Shivanshu Bhardwaj,
Advocate.

versus

PRINCIPAL DISTRICT AND SESSIONS

JUDGE HQ AND ORS

.....Respondents

Through: Mrs. Avnish Ahlawat, Standing
Counsel with Mr. Nitesh Kumar
Singh, Ms. Laavanya Kaushik, Ms.
Aliza Alam, Mr. Mohnish
Sehrawat & Mr. Amitoj Chadha,
Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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11.02.2025

CM APPL. 8135/2025 (*Application on behalf of the petitioner seeking modification of the order dated 28.01.2025*)

1. This is an application filed by the petitioner for modification of order dated 28.01.2025, by which the captioned writ petition was disposed of.

2. The relevant extracts of the said order are as follows:-

“3. Ms. Avnish Ahlawat, learned Standing Counsel for the respondents, submits that the matter remains pending before the said committee, and the petitioner's case will be considered comprehensively upon receipt of the recommendations of the committee. Ms. Ahlawat relies upon a recent judgment of the Supreme Court in *Union of India vs. N.M. Raut and Ors.* [Civil Appeal No. 14380/2024, delivered on 12.12.2024]. She submits that in accordance with the said judgment, the non-functional up-gradation availed by the petitioner will have to be taken into account while considering his entitlement to MACPS.

4. Mr. Shivanshu Bhardwaj, learned counsel for the petitioner, however, submits that the petitioner's representations have been



awaiting consideration for a very long time, in the course of which his juniors have been granted both non-functional scale and financial upgradations under the MACPS.

5. I am of the view that the appropriate course, in the facts aforesaid, is to direct the respondents to consider the petitioner's representation comprehensively and take a decision thereupon within a time bound period. Keeping in mind the objective of MACP upgradation - to prevent stagnation - and the long pendency of the petitioner's representations, the respondents are directed to take an appropriate decision in accordance with law, within a period of three months from today, and communicate the same to the petitioner within two weeks thereafter.

6. While it is expected that the concerned committee will take an appropriate decision in a time frame which enables compliance with this order, it is noted that the petitioner retires in September, 2025. The respondents are therefore directed to ensure that the decision is taken one way or the other, within the three months provided.

7. The writ petition stands disposed of, with the aforesaid directions."

3. By way of this application, Mr. Shivanshu Bhardwaj, learned counsel for the petitioner, submits that his statement that the petitioner is due to retire in September 2025, was erroneous and his retirement is, in fact, only on 30.06.2027. He therefore submits that paragraph 6 of the aforesaid order may be recalled.

4. Mrs. Avnish Ahlawat, learned Standing Counsel for the respondents, is present, and has no objection to the correction of the order in these terms.

5. For the reasons aforesaid, the order dated 28.01.2025 is modified to the extent that paragraph 6 thereof stands recalled. The rest of the order remains unchanged.

6. The application stands disposed of.

PRATEEK JALAN, J

FEBRUARY 11, 2025/'pv'/