



2025:DHC:312-DB



\$~11

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

Date of decision: 20.01.2025

+ W.P.(C) 1394/2019

NARENDER SINGH

.....Petitioner

Through: Mr.K.K. Sharma & Mr.Harshit
Agarwal, Advs.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Rajesh Kumar, SPC/IOI
with Mr. Yash Narain, Mr.
Rahul Kumar, Advs. with SI
Shiv Kumar Singh, CRPF.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

1. This petition has been filed by the petitioner, challenging the order dated 18.11.2017 passed by the respondents, by which the respondent had withdrawn the second financial upgradation under the ACP scheme to the petitioner, observing that the petitioner was not entitled to the grant of the same as he had expressed unwillingness to undertake the promotional course before the completion of 24 years of qualified service.

2. The learned counsel for the petitioner submits that, before the issuance of the Impugned Order, the petitioner was not issued any



2025:DHC:312-DB



Show Cause Notice nor granted any opportunity of a hearing. He submits that the Impugned Order is, therefore, void in law.

3. On the other hand, the learned counsel for the respondent reiterates that, as the petitioner was not entitled to the grant of the second ACP for failing to undertake the promotional course, the benefit which was wrongly extended to him, was withdrawn.

4. We have considered the submissions made by the learned counsels for the parties.

5. Admittedly, the petitioner had been granted the benefit of the second ACP by an order dated 06.10.2015, with effect from 15.12.2006, the date when he completed 24 years of regular service. By the Impugned Order dated 18.11.2017, this benefit has been withdrawn by the respondents. However, before passing the Impugned Order, the petitioner was not granted any opportunity of hearing nor even issued any Show Cause Notice. There was, therefore, a complete violation of the principles of natural justice. It is trite law that any order passed in violation of the principles of natural justice would be *void ab initio*.

6. Accordingly, the Impugned Order dated 18.11.2017 is hereby set aside. The consequential relief shall flow to the petitioner, that is, any amount that has been deducted or has been recovered from the petitioner pursuant to the Impugned Order, shall be refunded to the petitioner by the respondents within a period of ten weeks from today. This order shall not, however, prohibit the respondents from considering the entitlement of the petitioner, for the grant of the



2025:DHC:312-DB



second ACP afresh in accordance with law.

7. The petition is allowed in the above terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 20, 2025/rv/VS

Click here to check corrigendum, if any