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

+ **CONT.CAS(C) 839/2020**

ASI/GD JAI PRAKASH

.....Petitioner

Through: None

versus

SHRI S.S. DESWAL

.....Respondent

Through: Mr. Piyush Beriwal, Adv. (Through
VC)

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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01.09.2025

1. Learned counsel for the respondent submits that since the directions mentioned in the order dated 11.10.2019 have already been complied with, nothing remains in the present petition. For that, he draws the attention of this Court to paragraph 6 of his reply, which is reproduced as under:

“6. That, it is submitted that the respondent has already complied with relief (i) granted to the petitioner.

(i) That, FHQ, BSF, New Delhi vide their L.No. 38/1/11(35)/98-PCC/ BSF /PT-1(M Vol-11) / 17441 -742 dated 15.08.2018 had directed to all concerned to rectify the ACP order and directed that it is to be granted to all personnel from the date when they completed 12 years of service from their entry grade.

(ii) That, in compliance to FHQ order dated 15.08.2018 pay of the petitioner was rectified/re-fixed and 1st ACP to the rank of HC(GD) was granted with effect from 20.10.1999 vide 134 Bn BSF Order No. 6828- 29 dated 09.12.2018 is annexed herewith and filed as Annexure: R/1 (Page _____).

(iii) That, arrears in this effect has already been given to the



petitioner. (Arrears Amount and details of bill no by which payment were made to petitioner is annexed herein and filed as Annexure : R/3 (Page No _____)."

2. Additionally, he submits that with respect to relief(s) (ii), (iii) and, (iv) granted *vide* order dated 11.10.2019, the same was granted to the petitioner based on the decision of this Court in WP(C) 8203/2019, which was challenged by the respondent therein before the Hon'ble Supreme Court *vide* SLP being SLP (C) No.14322/2020 titled '***Union of India v. Prahalad***', which has also been disposed of *vide* order dated 22.08.2022 giving the following directions:

"12. In view of the aforesaid discussion, the appeals filed by the Union of India are partly allowed and impugned judgments, to the extent they hold that the MACP Scheme applies with effect from 1.1.2006 and that under the MACP Scheme the employees are entitled to financial upgradation equivalent to the next promotional post, are set aside. MACP Scheme is applicable with effect from 1.9.2008 and as per the MACP Scheme, the entitlement is to financial upgradation equivalent to the immediate next grade pay in the hierarchy of the pay bands as stated in Section 1, Part A of the First Schedule to the Central Civil Services (Revised Pay) Rules, 2008. The third issue, which relates to the fulfilment of pre-promotional norms for grant of financial upgradation, is decided against the appellant-Union of India to the extent that this would not be insisted in the case of the Central Armed Forces personnel where, for administrative or other reasons, they could not be sent or undergo the pre-promotional course."

3. Thus, in view of the aforesaid, learned counsel for the respondent reiterates that nothing is surviving in the present petition.

4. In any event, there is no appearance on behalf of the petitioner today. The same was the position on the last date of hearing i.e. 16.05.2025.

5. It seems that the petitioner is no longer interested to proceed with



the present petition.

6. Accordingly, the present petition is dismissed on merits, and in default and for non-prosecution.

SAURABH BANERJEE, J

SEPTEMBER 1, 2025/Ab