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

+ **W.P.(C) 12764/2025 & CM APPL. 52132/2025**

HEMANT KUMAR SHARMA

.....Petitioner

Through: Mr. Harpreet Singh and Mr.
Sanidhya Sharma, Advocates.

versus

**THE PRINCIPAL DISTRICT AND SESSIONS
JUDGE HQS**

.....Respondent

Through: Mrs. Avnish Ahlawat, SC for
GNCTD with Mr. Nitesh Kumar
Singh, Ms. Aliza Alam, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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22.08.2025

1. The petitioner, who is working in the establishment of the respondent – Principal District and Sessions Judge (HQS) – as a Senior Judicial Assistant, has filed this petition under Article 226 of the Constitution, seeking re-fixation of his first, second, and third financial upgradation under the Assured Career Progression [“ACP”]/Modified Assured Career Progression [“MACP”] Scheme.
2. The writ petitioner has made several representations to the respondent in this regard. On 06.07.2023, the respondent issued a communication to the petitioner regarding a letter dated 23.03.2021 from the Services Department (ACP Cell), Government of National Capital



Territory of Delhi [“GNCTD”], and stated that the communication had been referred to the Administrative and Legal Affairs Committee for consideration. In the meantime, the Screening Committee decided that no case for ACP/MACP benefit will be put up if it was directly related to the Circular dated 23.03.2021.

3. According to Mr. Harpreet Singh, learned counsel for the petitioner, the Circular dated 23.03.2021 is not relevant to the petitioner’s claim for ACP/MACP benefits. Mr. Singh further submits that other similarly placed employees have been granted this benefit. Ms. Aliza Alam, learned counsel for the respondent, who appears on advance notice, on the other hand, submits that the petitioner’s claim for such benefit is directly related to his seniority in service, which has been decided by the Supreme Court *vide* judgment dated 08.12.2021 in Civil Appeal No. 7535/2021 [*Shyam Sundar Oberoi & Ors. v. District and Sessions Judge Tis Hazari Court, Delhi & Ors.*].

4. As far as the petitioner’s claims in this petition are concerned, the latest communication from the respondent is dated 06.07.2023, and is not conclusive, but only asserts that a decision is to be taken after the Committee has considered GNCTD’s letter dated 23.03.2021. More than two years have since elapsed, and according to Ms. Alam also, certain related decisions have been made by the respondent in the meantime. In such circumstances, I am of the view that the appropriate course is for the respondent to revisit the issue administratively, and pass a specific order dealing with the petitioner’s claim for ACP/MACP benefits. Ms. Alam states that the writ petition will be treated as a representation, and a speaking order will be passed within four weeks from today.



5. The writ petition, alongwith the pending application, is disposed of in these terms, leaving the rights and remedies of the parties reserved.

PRATEEK JALAN, J

AUGUST 22, 2025

SS/JM/