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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5929/2016**

SHASHI KANT GUPTAPetitioner
Through: Mr. Prakash Khandelwal,
Advocate.

versus

**SECRETARY GENERAL, LOK SABHA SECRETARIAT &
ORS**Respondents
Through: Mr. Pramod Gupta, Ms. Himanshi
and Mr. Umang Dixit, Advocates.

+ **W.P.(C) 9558/2021**
SHASHI KANT GUPTAPetitioner
Through: Mr. Prakash Khandelwal,
Advocate.

versus

SECRETARY GENERAL, LOK SABHA SECRETARIAT
.....Respondent
Through: Mr. Pramod Gupta, Ms. Himanshi
and Mr. Umang Dixit, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **16.07.2025**

1. By order dated 11.07.2025, it was observed as follows:

"1. In W.P.(C) 5929/2016, the petitioner has challenged an adverse remark in his Annual Confidential Report ["ACR"] from 01.07.2014 to 30.06.2015. In W.P.(C) 9558/2021, he seeks grant of Time Scale Placement under the scheme of the respondent dated 04.05.2011, with effect from 21.12.2017. Although it was initially considered, as recorded in the order dated 03.11.2023, that the fate of the second writ petition is dependent upon the fate of the first, Mr. Pramod Gupta, learned counsel for the respondent, clarifies that this submission was made on an incomplete understanding.

2. While it is true that the relief sought in W.P.(C) 9558/2021 cannot be granted unless the petitioner succeeds in W.P.(C) 5929/2016, the reverse, according to Mr. Gupta is not true. This is because the petitioner's ACR for the year 2015-16 also did not meet the benchmark of



good, and that ACR has not been challenged. Mr. Gupta relies upon Clause 4 (iii) of the Time Scale Placement Scheme, which lays down that the benchmark for such placement would be grading of good.

3. *Mr. Gupta further submits that the unchallenged grading of 2015-16 would have come in the petitioner's way for his claim of Time Scale Placement from the date claimed, i.e. 21.12.2017. The petitioner retired from service on 30.06.2021.*

4. *Keeping in mind that six years' ACRs were required to be considered for Time Scale Placement, it appears that the petitioner would not have been eligible in view of the 2015-16 ACR grading, if Mr. Gupta's submission is correct.*

5. *Mr. Gupta is directed to hand over a copy of the ACR to Mr. Rakesh Khandelwal, learned counsel for the petitioner, in the course of the day.*

6. *List on 14.07.2025."*

2. On 14.07.2025, an adjournment was granted at the request of Mr. Prakash Khandelwal, learned counsel for the petitioner. Mr. Pramod Gupta, learned counsel for the respondents, was directed to place an affidavit on record, affirming the documents filed by the respondent – Lok Sabha Secretariat.

3. I have heard Mr. Khandelwal and Mr. Gupta, on the question of whether any effective relief can be granted in these writ petitions, at this stage.

4. As noted in order dated 11.07.2025, the petitioner's claim for grant of Time Scale Placement is dependent upon his Annual Confidential Report ["ACR"] grading for the past six years.

5. The respondent has placed on record an order of the respondent dated 04.05.2011, notifying the Time Scale Placement Scheme, 2011 ["the Scheme"]. Under Clause 4 (i) of the Scheme, Time Scale Placement requires consideration of ACRs of the last six years, being one year more than the minimum period of service prescribed in the feeder grade [as provided in the Recruitment Rules for the relevant post]. Further, under



Clause 4 (iii) of the Scheme, the benchmark for placement of scheme at the Petitioner's level was "*good*".

6. In W.P.(C) No. 9558/2021, the petitioner has sought the benefit of Time Scale Placement with effect from 21.12.2017.

7. During the pendency of the writ petition, he also submitted an application to the respondent under the Right to Information Act, 2005 ["RTI Act"], seeking information as to whether any order of stay on the Time Scale Placement had been passed by the competent authority in respect of the petitioner. In the respondent's reply dated 20.09.2024, it was stated that no such order was available on record. Additionally, the petitioner was informed that the Screening Committee for Time Scale Placement has considered his case in the years 2017, 2018 and 2021. He was found "*unfit*" in the years 2017 and 2018. In the year 2021 also, he was not recommended for Time Scale Placement. It is stated that the recommendations were approved by the competent authority. Copies of relevant notings were also communicated to the petitioner alongwith the said response under the RTI Act.

8. The record thus reveals that the petitioner's case for Time Scale Placement was considered in the year 2017, as sought in his writ petition, as also on two occasions thereafter [2018 and 2021], prior to his retirement on 30.06.2021.

9. The ACR gradings of the petitioner have also been placed on record. His grading in the ACR for the year 2015-16 was "*Fair*". It is the admitted position that the grading was communicated to him by the respondent on 29.05.2017. The petitioner also submitted a representation against the ACR grading for the year 2015-16. By communication dated



27.12.2018, he was informed that his representation was rejected. Copies of the said communications dated 29.05.2017 and 27.12.2018 are part of the respondent's record and have been shown to the Court. The receipt of the said communications by the petitioner is not disputed. Copies thereof are taken on record.

10. In view of the aforesaid, it is evident that the petitioner would not have been entitled to Time Scale Placement at any stage before his retirement, as the ACR of 2015-16 would have fallen within the six years being considered.

11. The relief sought in W.P.(C) No. 9558/2021, therefore, cannot be granted to the petitioner, regardless of the ACR of 2014-15, which has been challenged in W.P.(C) 5929/2016.

12. As noted in the order dated 11.07.2025, in W.P.(C) No. 5929/2016, the petitioner has only challenged his ACR for the year 2014-15. However, it is undisputed that the said issue is of no relevance, other than for the purposes of Time Scale Placement. As the said relief is, in any event, unavailable to the petitioner, adjudication of W.P.(C) 5929/2016 also becomes a purely academic exercise, of no practical consequence.

13. Mr. Khandelwal, however, submits at this stage, that time may be granted to enable the petitioner to challenge the adverse ACR of 2015-16. I am not inclined to accede to this submission at this belated stage. As noted above, the ACR of 2015-16 was communicated to him on 29.05.2017, and the rejection of his representation was also communicated to him on 27.12.2018. He has not challenged these orders for a period of approximately seven years. Any challenge at this stage would, in my view, be inordinately delayed.



14. The consequence of the above discussion is that no effective relief can be granted to the petitioner in these two writ petitions.

15. The writ petitions are, therefore, disposed of.

PRATEEK JALAN, J

JULY 16, 2025/UK/KA/