

\$~22,24,27,32,33,34,35&36

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

W.P.(C) 11725/2015 & CM No. 31241/2015

DIGAMBER SINGH, ASI/GD Petitioner

Through: Mr. O.P. Agarwal, Advocate
alongwith Mr. Deepak Agarwal,
Advocate.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Bhagwan Swarup Shukla, CGSC
alongwith Mr. Abhishek Khanna, G.P.
for R. Nos. 1 to 5.

And

W.P.(C) 11728/2015 & CM No. 31244/2015

RAKESH CHANDRA Petitioner

Through: Mr. O.P. Agarwal, Advocate
alongwith Mr. Deepak Agarwal,
Advocate.

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Prakash Yadav, Sr. Panel Counsel
for R Nos. 1 to 5.

And

W.P.(C) 11738/2015 & CM No. 31256/2015

MAHABIR SINGH Petitioner

Through: Mr. O.P. Agarwal, Advocate
alongwith Mr. Deepak Agarwal,
Advocate.

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Prakash Yadav, Sr. Panel Counsel

for R Nos. 1 to 5.

And

W.P.(C) 11761/2015 & CM No. 31281/2015

YASHPAL SINGH

..... Petitioner

Through: Mr. O.P. Agarwal, Advocate
alongwith Mr. Deepak Agarwal,
Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Prakash Yadav, Sr. Panel Counsel
for R Nos. 1 to 5.

And

+ W.P.(C) 11762/2015 & CM No. 31293/2015

DARSHAN SINGH

..... Petitioner

Through: Mr. O.P. Agarwal, Advocate
alongwith Mr. Deepak Agarwal,
Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Prakash Yadav, Sr. Panel Counsel
for R Nos. 1 to 5.

And

W.P.(C) 11763/2015 & CM No. 31294/2015

SOBAT SINGH NETI, ASI/GD

..... Petitioner

Through: Mr. O.P. Agarwal, Advocate
alongwith Mr. Deepak Agarwal,
Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Bhagwan Swarup Shukla, CGSC

alongwith Mr. Abhishek Khanna, G.P.

And

W.P.(C) 11764/2015 & CM No.31295/2015

JAINDRA SINGH ASI/ GD

..... Petitioner

Through: Mr. O.P. Agarwal, Advocate
alongwith Mr. Deepak Agarwal,
Advocate.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Prakash Yadav, Sr. Panel Counsel
for R Nos. 1 to 5.

And

W.P.(C) 11765/2015 & CM No. 31296/2015

BASANT GIRI, L/NK (GD)

..... Petitioner

Through: Mr. O.P. Agarwal, Advocate
alongwith Mr. Deepak Agarwal,
Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Bhagwan Swarup Shukla, CGSC
alongwith Mr. Abhishek Khanna, G.P.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

%

18.12.2015

Issue notice. Notice is accepted on behalf of all the respondents.

With consent of the parties, the matters were heard finally.

In all these writ petitions, the claims made are for the grant of ACP benefits in terms of the applicable scheme with effect from the

date the petitioners completed 12 years of regular service and also for release of MACP benefits after they had completed 20 years service.

The writ petitioners are employed in the Sashastra Seema Bal (SSB). The petitioners joined the SSB on various dates. They complain that the first ACP benefit was not granted to them on the date it became due i.e. on completion of 12 years of service. Some of the petitioners were granted ACPs benefits belatedly. They were subsequently promoted as Head Constable. The respondents contended that though the grant of ACP benefits is admissible from the date the petitioners completed 12 years of service, that could not be so wherever the petitioners were given promotion.

Having considered the matter, this Court is of the opinion-in view of the express stipulations in the ACP Schemes (dated 09.08.1999), the question of denial of ACP benefits after completion of 12 years does not arise. Accordingly, it is directed that all the petitioners would be entitled to the ACP benefits from the earliest dates they became entitled to it i.e. immediately after 10.08.1999. The direction is accordingly issued to the respondents to ensure that such benefit is made available to all the petitioners from 10.08.1999 and ensure that the arrears be released to them within eight weeks from today. So far as the second claim i.e. MACP benefits are concerned, the terms of the MACP Scheme which came into force w.e.f. 01.09.2008 are that employees are entitled to automatic upgradation on completion of 10, 20 and 30 years respectively of the period of regular service. In the case of the petitioners therefore this would count as an entitlement the moment each one of them completed 20 years of

service. This can also be affirmed by reply to query no. 2 in the frequently asked questions (FAQ's) issued by the DoPT on 01.04.2011.

The said clarification is as follows:-

	Point of doubt	Clarification
2.	From which date the MACPS is effective?	The MACPS is effective w.e.f. 01.09.2008 or on completion of 10, 20 & 30 years of continuous regular service, whichever is later. Financial upgradation will also be admissible whenever a person has spent 10 years continuously in the same grade pay. (Para 9 of OM dated 19/2/2009).

In the present case, all the petitioners have also been a recipient of one promotion to the grade of Head Constable however that in our opinion should not constitute a barrier or deterrent to their entitlement to MACP which operates independently upon the completion of 20 years of service. In other words, such of the petitioners who were promoted to the post of Head Constable, were placed in the regular promotional scale which they were already entitled to and were drawing the moment ACP's were granted to them.

Consequently, upon the completion of 20 years of service each one of them would be entitled to upgradation in the next higher grade

available, from the existing scales of pay that they were drawing (based upon the first ACP given to them). The process of calculating the ACP and the MACP benefits and disbursing differential pay amounts shall be completed likewise within eight weeks from today.

The writ petitions are allowed in the above terms.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

DECEMBER 18, 2015

sapna