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

+ W.P.(C) 2161/2016 & C.M. 9232/2016

S. SAMPATHU & ORS. Petitioners

Through: Mr. Ankur Chibber, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Bhagwan Swaroop Shukla,
CGSC with Mr. Arun Kumar,
Government Pleader

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
15.03.2016

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1. The present petition has been filed by the petitioners, who are working in the CRPF, praying *inter alia* for issuing directions to the respondents to grant them the benefit under the ACP Scheme, on completion of 24 years of regular service.

2. Mr. Chhibber, learned counsel for the petitioner states that the issue raised in the present petitions stands settled vide judgment dated 05.03.2015 passed by the Division Bench in a batch of writ petitions, lead matter registered as **W.P.(C) 388/2015** entitled Om Prakash and Ors. Vs. UOI and Ors., whereunder directions were issued to the respondents to grant the petitioners therein the second ACP benefits with effect from the

date, they had completed 24 years of service, reckoned from the date of their initial appointment, subject to their being found fit for promotion and subject to other eligibility conditions.

3. Learned counsel for the petitioners points out that after the judgment dated 05.03.2015 was pronounced, the respondents had filed review petitions seeking review of the said decision, which were dismissed by a common order dated 29.01.2016, by holding that re-mustering of the petitioners therein to the rank of Naik RO had to be ignored for grant of ACP. It is stated by the counsel for the petitioners that the petitioners herein are entitled to identical relief as all of them have completed 24 years of service, from the date of their initial appointment.

4. That the legal position stands settled vide judgment dated 05.03.2015 in the captioned cases, is not disputed by the respondents though learned counsels for the respondents add that they are contemplating filing SLPs against the said judgment.

5. Having regard to the fact that as on date, the aforesaid decision will govern the petitioners in the present case as well, the impugned order dated 09.02.2016 is quashed and set aside. The present petition is disposed of on the same lines as the captioned petitions with directions issued to the respondents to grant second ACP benefits to the petitioners with effect from the date they had completed 24 years of service, reckoned from the date of their initial appointments. Further, while considering the cases of the petitioners, the respondents are directed to ignore re-mustering of the petitioners to the rank of Naik RO, for grant of ACP.

6. The respondents are directed to take a decision and convey the same to the petitioners within ten weeks from today. If the petitioners are found eligible for being promoted and resultantly, entitled to grant of the second ACP benefits, the same shall be extended to them within the same timeline and the arrears would be paid within six weeks from the date of the decision. In case the arrears are not paid within the stipulated timeline, then the same shall carry simple interest @ 8% per annum.

7. The petition and application are disposed of.

HIMA KOHLI, J

SUNIL GAUR, J

MARCH 15, 2016

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