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

+ **W.P.(C) 3909/2016**

PREM SINGH AND ANR Petitioners
Through : Mr. Prashant Sivarajan, Advocate

versus

UOI AND ORS Respondents
Through : Mr. Arun Bhardwaj with
Mr. Mimansak, Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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05.05.2016

1. Both, the petitioner No.1 and the late husband of the petitioner No.2, who had superannuated on the post of Head Constables with the respondent-CRPF on 1.5.2010 and 31.8.2011 respectively, have filed the present petition praying *inter alia* for issuing directions to the respondents to grant him the benefits under the ACP Scheme upon completion of 24 years of regular service.
2. Learned counsel for the petitioners, states that the issue raised in the present petition 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 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 counsel for the petitioners that the petitioners herein are entitled to identical relief as they had completed 24 years of service, from the date of their initial appointment.

4. That the legal position stands settled vide judgment dated 15.03.2015 in the captioned cases, is not disputed by the respondents though learned counsel for the respondents add that they are contemplating filing SLPs against the said judgment.

5. Learned counsel for the petitioners submits that in view of the judgment in the captioned cases, the petitioners had served a legal notice dated 01.02.2016, on the respondents stating *inter alia* that their case was covered by the judgment dated 6.9.2013 by the Division Bench in W.Ps.(C).No.5539/2013, 5059/2013 and 4258/2013. However, the respondents did not grant the benefit of the second ACP to the petitioners. This is despite the fact that the respondents had on their own issued a clarification dated 16th February, 2015, regarding implementation of the judgment dated 6th September, 2013 in W.P.(C). 4258/2013, entitled “Gajraj Singh and Others vs. Union of India and Others”.

6. Learned counsel for the respondents, on instructions from Mr. S.S. Sejwal, Law Officer, CRPF, assures the Court that the petitioners’ case shall

be processed in terms of the directions issued vide judgment dated 6th September, 2013 passed in W.Ps.(C). No.5539/2013, 5059/2013 and 4258/2013, subject to his being eligible and upon verification of the factual position.

7. The respondents are directed to take a decision on the petitioners' grievance raised above and convey the same to them within ten weeks from today. If it is found that the petitioners were 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.

8. The petition is disposed of along with pending application.

HIMA KOHLI, J

ASHUTOSH KUMAR, J

MAY 05, 2016

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