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

+ W.P.(C) 9428/2015

INSPECTOR / GD LAKHPAT SINGH Petitioner

Through: Mr. Yashpal Rangi, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through: Ms. Bharathi Raju, CGSC along with
Ms. C. Rubavathi, Advocate for
respondent Nos. 1 to 4.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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10.08.2016

The present petition has been filed by the petitioner seeking the following prayers:-

“(i) Direct the respondents to step up the pay of petitioner at par with his immediate junior Sh. Vinod Kumar, from the date the pay of his immediate junior was fixed in the rank of Sub Inspector with all consequential benefits, including arrears; and

(ii) In the alternate, direct the respondents to grant 2nd financial up-gradation under ACP scheme w.e.f. 23.04.2008 when petitioner completed 24 years regular satisfactory service.”

The brief facts of the case are that the petitioner was working as a Constable in Indo Tibetan Border Police Force (ITBP) and was selected for deployment in UN Peace keeping mission, D.R Congo and sent for training at Basic Training Camp (BTC) Bhanu. While on training on 3rd January, 2008, the petitioner got promotion to the post of Sub Inspector. He was deployed to UN Peace keeping mission, D.R Congo on 27.02.2008 and returned to India on 18.09.2009, his pay on the promotion post of SI was fixed on 07.06.2008. Even though, the petitioner has sought relief for stepping up of his pay qua his junior namely Vinod Kumar and in the alternate, he prayed for grant of 2nd financial up-gradation under ACP scheme, during the course of the submissions, learned counsel for the petitioner conceding that the petitioner shall not be entitled to the relief of stepping up of the pay qua Vinod Kumar, would submit that the petitioner shall be satisfied if his pay is fixed w.e.f. 03.01.2008, the date of promotion to the post of Sub Inspector instead of 07.06.2008, the date on which the fixation has been effected.

On a specific query to the learned counsel for the respondents, as to the basis for fixing the pay as Sub Inspector w.e.f. 07.06.2008, the reply was as the order was of 07.06.2008, the benefit was given from that date. The

learned counsel concedes that fixation need to be effected as on 03.01.2008.

If that be so, moulding the relief, we direct that the respondents shall fix the pay of the petitioner as Sub Inspector w.e.f. 03.01.2008 in accordance with rules. The arrears, if any, shall be released to the petitioner within four weeks from the date of receipt of the order.

The petition is disposed of.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

AUGUST 10, 2016

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