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

+ W.P.(C) 1039/2016

RANJEET TRIPATHI & ORS ..... Petitioners

Through Mr. Praveen Aggarwal, Advocate.

versus

SASHASTRA SEEMA BAL ..... Respondent

Through Ms. Kailash Golani, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE SANJIV KHANNA**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**

% **23.08.2017**

The present writ petition has to be dismissed in view of judgement of this Court in W.P.(C) 3420/2010, ***R. S. Sengor and Others versus Union of India and Others*** dated 4<sup>th</sup> April, 2011, and W.P.(C) 5082/2013 ***Swaran Pal Singh and Others versus Union of India and Others*** dated 17<sup>th</sup> March, 2015. More recently this issue arose for adjudication in W.P.(C) 9266/2015, ***Govt. of NCT of Delhi and Another versus S.K. Saraswat and Others*** delivered on 9<sup>th</sup> May, 2016 and W.P.(C) 9109/2015 ***Union of India and Others versus D.S. Rawat and Others*** dated 16<sup>th</sup> August, 2016 before a Bench of which one of us (Sanjiv Khanna, J.) was a member.

In these decisions, it has been held that financial upgradation as per the Modified Assured Career Progression Scheme implemented

by O.M dated 19<sup>th</sup> May, 2009 envisages mere placement in the immediate next higher Grade Pay in the hierarchy of the recommended revised Pay Band and Grade Pay as given in Section I, Part-A of the first schedule of the Central Civil Services (Revised Pay) Rules, 2008. The financial upgradation has no relevance to the Grade Pay applicable to the next promotional post. This is a distinction between the Assured Career Progression Scheme introduced in 1998 and which was applicable till the Modified Assured Career Progression Scheme was introduced and implemented vide office memorandum dated 19<sup>th</sup> May, 2009.

We are bound by the aforesaid ratio and in these circumstances cannot follow the ratio of the decision dated 31<sup>st</sup> August, 2016 in W.P.(C) 28431/2013, ***H.B.L. Meena and others versus Union of India and others*** decided by the Punjab and Haryana High Court.

In view of the aforesaid, the writ petition is dismissed.

**SANJIV KHANNA, J.**

**NAVIN CHAWLA, J.**

**AUGUST 23, 2017**

MR