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

+ W.P.(C) 10919/2016

HEAD CONSTABLE (GD) THONGAM DHIREN SINGH

..... Petitioner

Through Mr. J.R. Rana, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondent

Through Mr. Dev P. Bhardwaj, CGSC for UOI
Ms. Suman Chauhan Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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12.10.2017

The petitioner was inducted as a Constable (General Duty) in Sashastra Seema Bal on 1st August, 1988.

2. The petitioner was granted first financial upgradation under the Assured Career Progression Scheme in the pay-scale of Rs.3200-85-4900 on completion of 12 years of regular service on 1st August, 2001. The pay-scale given was that of Head Constable. Upon implementation of the Central Civil Service (Revised Pay) Rules, 2008, the petitioner was placed in Pay Band-I, Rs.5200-20200 plus Grade Pay of Rs.2400/-. To this extent, there is no dispute or lis.

3. Upon implementation of the Modified Assured Career Progression Scheme with effect from 1st September, 2008, the petitioner was granted second financial upgradation in Pay Band-I with Grade Pay of Rs.2800/-.

4. The contention of the petitioner is that on second financial

upgradation, he should have been granted the Grade Pay applicable and payable on the promotional post of Sub Inspector i.e. Grade Pay of Rs.4200/-.

5. We have considered the said contention, but do not find any merit in the same as there is a difference between the Modified Assured Career Progression Scheme and the Assured Career Progression Scheme, which has been noticed in decision dated 4th April, 2011 passed in W.P. (C) No. 3420/2010, ***R.S.Sengor and Ors. Vs. Union of India and Ors.***, W.P. (C) No.5082/2013, ***Swaran Pal Singh and Ors. Vs. Union of India and Ors.***, decided on 17th March, 2015 and recently in W.P. (C) No. 9266/2015, ***Government of NCT of Delh and Anr. Vs. S.K. Saraswat and Ors.***, decided on 9th May, 2016 and W.P. (C) No. 9109/2015, ***Union of India & Ors. Vs. D.S. Rawat and Ors.***, decided on 16th August, 2016.

6. As per the said decisions, the Modified Assured Career Progression Scheme envisages mere placement in the immediate next higher Grade Pay in the hierarchy as given in Section I, Part-A of the first schedule of the Central Civil Services (Revised Pay) Rules, 2008. Financial upgradation has no relevance to the Grade Pay applicable to the next promotional post.

7. The writ petition has no merit and is accordingly dismissed. No costs.

SANJIV KHANNA, J

OCTOBER 12, 2017/NA

NAVIN CHAWLA, J