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

\+ W.P.(C) 12095/2016

PREM DUTT ..... Petitioner

Through: Mr.O.P.Agarwal, Adv.

versus

UNION OF INDIA & ORS ..... Respondents

Through: Ms.Bharathi Raju, CGSC for R-1 to 6

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE NAVIN CHAWLA

O R D E R

% **07.09.2017**

The respondents in terms of office order dated 27th February, 2017 have granted the benefit of first financial up gradation under the Assured Career Progression Scheme (ACPS for short) w.e.f. 9th August, 1999. This is correct as the petitioner had joined as Constable on 15th April, 1986 and had completed 12 years of service on the date when Assured Career Progression Scheme was introduced on 9th August, 1999.

The petitioner in terms of office order dated 27th February, 2017 has also been granted second financial upgrdation on completion of 20 years of service on implementation of the Modified Assured Career Progression Scheme from 1st September, 2008 i.e. the date on which the scheme was implemented.

The contention of the petitioner is that second financial up gradation under the Modified Assured Career Progression Scheme should have been in the hierarchy of pay scales applicable in the CRPF.

Our attention has been drawn to circular dated 15th April, 2011 issued by the Ministry of Home Affairs. The said circular refers to the Assured Career Progression Scheme and does not relate to financial up gradation under the Modified Assured Career Progression Scheme.

The Delhi High Court in several judgments has held that the financial up gradation under the Modified Assured Career Progression Scheme has to be to the next higher grade pay mentioned in the first Schedule Part A Section 1 of the Central Civil Services (Revised Pay) Rules, 2008 and to this extent, this Scheme modifies and is not similar to the Assured Career Progression Scheme.

In view of the aforesaid position, we feel that the order dated 27th February, 2017 grants the relief which the petitioner is entitled. No further order or directions are required to be passed, except calling upon the respondents to comply and implement the said order. The pension payment order would be revised within three months and arrears of pension and pay would be paid within two months, thereafter. In case there is delay beyond the said period, the respondents would pay interest @8% per annum from the date of this order.

Dasti.

SANJIV KHANNA, J

NAVIN CHAWLA, J

SEPTEMBER 07, 2017/RN