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

+ W.P.(C) 5341/2018

CONSTABLE VIJENDER PAL (RETD) Petitioner

Through : Mr.Pankaj Mehta, Advocate.

versus

UNION OF INDIA AND ORS Respondents

Through : Mr.Prasanta Varma, Sr.Central
Govt.Counsel with Ms.Saakshi Agrawal,
Advocate.

Mr.Anil Grover, Advocate, for R-2.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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06.09.2018

1. On the last date of hearing, the learned counsel for the respondents has sought time to obtain instructions from the Department in the light of the reply dated 02.04.2018 sent by the respondents to the Legal Notice dated 19.03.2018 issued on behalf of the petitioner stating *inter alia* that he is ineligible for the first financial upgradation under the ACP scheme on completion of 12 years of regular service on account of his having been in a low medical category w.e.f. 07.12.1998 and also on account of the fact that he stood superannuated before the introduction of the MACP Scheme w.e.f. 01.09.2008.

2. Learned counsel for the petitioner states that the aforesaid view expressed by the respondent is erroneous as there is no such requirement of being medically fit for receiving the benefits under the MACP Scheme which condition was applicable only to the ACP Scheme. He states that the plea taken by the respondent that the MACP Scheme has become operational w.e.f. 01.09.2008, whereas the petitioner had proceeded on VRS w.e.f. 31.07.2006, is misconceived and the said aspect has now been clarified by the Supreme Court in its judgment dated 08.12.2017 passed in **C.A. No.3744/2016** entitled Union of India vs. Balbir Singh Tarn (a copy of the said decision has been placed with the present petition and marked as Annexure A-7). The Supreme Court has stated that the benefits of the MACP Scheme would be payable w.e.f. 01.01.2006 and not from 01.09.2008.

3. When confronted with the above, learned counsel for the respondents states that if granted a period of four weeks time, the respondents shall comply with the captioned judgment of the Supreme Court and they shall pay the requisite amount towards MACP benefits to the petitioner.

4. While binding the respondents to the aforesaid submission, the present petition is disposed of. The amount payable to the petitioner shall be remitted into his account within four weeks from today.

HIMA KOHLI, J.

REKHA PALLI, J.

SEPTEMBER 06, 2018

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