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

\+ **W.P.(C) 6761/2017**

INSPECTOR MAHENDER SINGH ..... Petitioner

Through Mr.K. K. Sharma, Advocate.

versus

UNION OF INDIA AND ORS ..... Respondents

Through Mr.Ajay Digpaul, CGSC with Ms.Madhuri Dhingra, Advocates

\+ **W.P.(C) 7716/2017**

JASWANT SINGH & ORS ..... Petitioners

Through Mr.K. K. Sharma, Advocate.

versus

UNION OF INDIA & ORS ..... Respondents

Through Mr.Suman Chauhan with Ms. Aditi Tyagi, Advocates

\+ **W.P.(C) 8336/2017**

PRAMOD KUMAR AND ORS ..... Petitioners

Through Mr.K. K. Sharma, Advocate.

versus

UNION OF INDIA AND ORS ..... Respondents

Through Mr. S. N. Parashar, Advocate.

CORAM:
JUSTICE S. MURALIDHAR
JUSTICE SANJEEV NARULA

ORDER

% **15.11.2018**

1. These petitions seek fixation of the basic pay scale of the Petitioners at Rs.10,230/- + Rs.4,200/- Grade Pay instead of basic pay scale at Rs.9,300/- + Rs. 4,200/- Grade Pay.

2. All these Petitioners joined the CRPF as Constables and were later promoted as Head Constables, Sub-Inspectors and thereafter Inspectors GD. The issues arise as a result of the revision of pay scales pursuant to the 5th Pay Commission and later, the 6th Pay Commission.

3. The issue in these petitions is no longer *res integra*. It was first considered in ***Gajraj Singh v. Union of India*** [decision dated 6th September 2013 in W.P.(C) 4258/2013] and ***Suraj Bhan v. Union of India*** [decision dated 11th October 2013 in W.P.(C) 6550/2013]. Subsequently, in ***SI/GD Shambhu v. Union of India*** [decision dated 11th October 2017 in W.P.(C) 9359/2016], after referring to the earlier decisions, this Court interpreted Rules 5, 6, and 7 of the Central Civil Services (Revised Pay) Rules 2008 which came into effect on 1st January 2006 and allowed those writ petitions, issuing directions for refixing the pay scales as prayed for by those Petitioners.

4. The main objection in all these cases was that the Petitioners had not exercised their options but as noted by this Court in several decisions, they could not have exercised such options without their subsequent promotions being granted. As recently as January 2018, the Court again in another

decision in and ***Jas Ram v. Union of India*** [decision dated 12th January 2018 in W.P.(C) 332/2017] again followed the earlier decisions and, in the case pertaining to Sub-Inspectors of the CRPF, directed the grant of benefit of 2nd financial upgradation in the ACP Scheme with all consequential benefits. A direction was issued to the Respondents to pass consequential orders after declaring that both the Petitioners would be entitled to clause (i) appended Rules (7)(1)(A) of the 2008 Rules.

5. The issue was recently considered by this Court in its decision in ***Rajbir Singh v. Union of India*** [decision dated 12th November 2018 in W.P.(C) 9893/2018] and the following observations were made:

> "6. The grievance in ***Shambhu*** (*supra*) was that, although the Respondents had correctly fixed the revised pay scale at Rs.10,230/- by using the multiplier of 1.86 to the existing basic pay as on 1st January 2006, subsequently they fixed at the minimum pay band of Rs.9,300/-. It was pointed out before this Court that the petitioners therein did not have to exercise their option under the proviso to Rule 5 on or before 31st March 2013 because the second financial upgradation benefit was given to them only in 2015.
>
> 7. The Court accepted the above plea and directed that those Petitioners would be restored to the pay scale of Rs.10,230/- plus grade pay of Rs.4,200/-.
>
> 8. The Court finds that the facts of the present case are no different. There is no reason why the present Petitioners should not be granted the same benefit that was granted to the petitioners in ***Shambhu*** (*supra*). Mr. Chibber points out that *vis-a-vis* the order dated 11th October 2017 in ***Shambhu*** (*supra*) the contempt petition was filed in this Court and a statement has been made by the Respondents in those proceedings that they

> are implementing the decision of this Court in ***Shambhu*** (*supra*). Further, in the case of one Harkesh Tyagi who was a similarly placed petitioner in W.P.(C) 341/2017, it was noticed by the Court that the Respondents had already granted the benefit of exercising the option although he had been granted the second financial upgradation only in March 2015."

6. The cases of all these Petitioners are the same. Following the aforementioned decisions, these petitions are allowed and a direction is issued to the Respondents to refix the basic pay of all the Petitioners at Rs.10,230/- + Rs.4,200/- Grade Pay from the date of completion of 24 years of service while granting the benefit of 2nd ACP to the Petitioners. The consequential order be passed within a period of 8 weeks from today. In case the payments including arrears are not made within the time stipulated, the Respondents shall additionally pay simple interest @ 9% per annum on the sum due to the Petitioners for the period of delay in making the payment.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

NOVEMBER 15, 2018
Pallavi