

\$~18, 19, 21, 23 & 24

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

+ **W.P.(C) 12811/2019**

RAM KUMAR Petitioner

Through: Mr. Ankur Chhibber and Mr. Bhanu
Gupta, Advocates.

versus

UNION OF INDIA AND ORS. Respondent

Through: Mr. D.S. Mehandra, Senior Panel
Counsel with Mr. R.M. Tripathi,
Advocate for UOI.

+ **W.P.(C) 12812/2019**

RAM LAL Petitioner

Through: Mr. Ankur Chhibber and Mr. Bhanu
Gupta, Advocates.

versus

UNION OF INDIA AND ORS. Respondent

Through: Mr. D.S. Mehandra, Senior Panel
Counsel with Mr. R.M. Tripathi,
Advocate for UOI.

+ **W.P.(C) 12818/2019**

KAMAN SINGH GURUNG Petitioner

Through: Mr. Ankur Chhibber and Mr. Bhanu
Gupta, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondent

Through: Mr. D.S. Mehandra, Senior Panel
Counsel with Mr. R.M. Tripathi,
Advocate for UOI.

Mr. Bhagwan Swarup Shukla, CGSC
with Ms. Sonam, Advocate.

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W.P.(C) 12821/2019

AKHTARI BEGUM

..... Petitioner

Through: Mr. Ankur Chhibber and Mr. Bhanu
Gupta, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondent

Through: Mr. D.S. Mehandra, Senior Panel
Counsel with Mr. R.M. Tripathi,
Advocate for UOI.

+

W.P.(C) 12823/2019

MOHD. AZAM

..... Petitioner

Through: Mr. Ankur Chhibber and Mr. Bhanu
Gupta, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondent

Through: Mr. D.S. Mehandra, Senior Panel
Counsel with Mr. R.M. Tripathi,
Advocate for UOI.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH
ORDER
% **06.12.2019**

CM APPL. 52320/2019 in W.P. (C) 12811/2019, CM APPL. 52321/2019 in W.P. (C) 12812/2019, CM APPL. 52338/2019 in W.P. (C) 12818/2019, CM APPL. 52347/2019 in W.P. (C) 12821/2019 and CM APPL. 52381/2019 in W.P. (C) 12823/2019 (exemption)

1. Allowed, subject to all just exceptions.

W.P. (C) 12811/2019, W.P. (C) 12812/2019, W.P. (C) 12818/2019, W.P. (C) 12821/2019 and W.P. (C) 12823/2019

2. Notice. Notice is accepted by learned counsel for the Respondents.

3. These are petitions seeking the grant of benefits of the 2nd financial upgradation under the Assured Career Progression ('ACP') scheme to Central Reserved Police Force ('CRPF') personnel, from the date that they actually completed 24 years of regular service. The ground on which such benefit has been denied by the Respondents is that the said personnel did not complete their pre-promotional training course by the time of completion of 24 years of regular service. Additionally, some of the petitions also seek a direction to the Respondents for grant of benefits of the 1st financial upgradation under the ACP scheme and 2nd financial upgradation under the MACP scheme.

4. The prayers in these petitions stand covered by the decisions of this Court

dated 5th January, 2015 in W.P.(C) 22/2015 (*Jaswant Singh v. Union of India*), 11th October, 2013 in W.P.(C) 6650/2013 (*Suraj Bhan v. Union of India*), 6th September, 2013 in W.P.(C) 5539/2013 (*Jaipal Singh v. Union of India*) and 13th September, 2019, as modified by order dated 18th September, 2019, of this Court in W.P.(C) 8203/2019 (*Ex.HC/GD Prahalad v. Union of India and batch*).

5. Accordingly, the petitions are allowed. By separate orders in each of the petitions, specific directions have been issued to the Respondents to grant the Petitioners the ACP and/or MACP benefits, as prayed for in their respective petitions.

6. The Court notices that it continues to be flooded with individual petitions seeking identical reliefs, notwithstanding a detailed order dated 10th April, 2018 passed by this Court in this regard in the presence of the Officers of the various CAPFs, recording an assurance that they will themselves comply with the orders of this Court and not drive each individual member of the forces to file petitions for identical reliefs. Yet, the position does not appear to have changed.

7. A direction is issued to the learned counsel appearing for the Respondents today that they will write letters to the Director Generals (DGs) of their respective CAPFs enclosing a copy of the order dated 10th April, 2018 as well as a copy of today's order and require the DGs to clearly issue instructions to implement the binding orders of this Court in respect of identically placed

persons without compelling them to file individual petitions to this Court. These letters should be personally delivered to the DGs concerned, not later than one week from today.

8. A copy of the order be given *dasti* under the signatures of the Court Master.

S. MURALIDHAR, J.

TALWANT SINGH, J.

DECEMBER 06, 2019

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

+ **W.P.(C) 12821/2019**

AKHTARI BEGUM

..... Petitioner

Through: Mr. Ankur Chhibber and Mr. Bhanu
Gupta, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondent

Through: Mr. D.S. Mahendra, Senior Panel
Counsel with Mr. R.M. Tripathi,
Advocate for UOI.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

%

06.12.2019

CM APPL. 52347/2019 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 12821/2019

2. In terms of a common order passed today in W.P.(C) 12811/2019 (*Ram Kumar v. Union of India and batch*) the Court has allowed the present petition.

3. The following directions are issued to the Respondents:-

(i) The Petitioner will be granted the benefits of the 1st financial upgradation under the ACP scheme from the date of her husband having completed 12

years of regular service till the date of the next promotion by treating the said scheme as applicable from 1st August, 1999;

(ii) The Petitioner will be granted the benefits of the 2nd financial upgradation under the ACP scheme from the date of her husband having completed 24 years of regular service irrespective of his not completing the pre-promotional course by that time;

(iii) The Petitioner will be granted the benefits of the 3rd financial upgradation under the MACP scheme from the date of her husband having completed 30 years of regular service by treating the said scheme as applicable from 1st January, 2006;

(iv) The Petitioner will be placed in the appropriate pay scale of SI/HC etc. as the case may be (for eg. In the case of SIs Rs.9300 – 34800 with grade pay of 4200) from the date of her husband completing 30 years of regular service till the date of his death;

(v) The appropriate revised pension orders will be issued and arrears will be paid to the Petitioner within a period of 12 weeks, failing which the Respondents would be liable to pay simple interest at 6% per annum on the arrears for the period of delay.

S.MURALIDHAR, J.

TALWANT SINGH, J.

DECEMBER 06, 2019/pa