

\$~VC-1 & 2

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

+ W.P. (C) 11833 /2019, C.M. Appl. No.19758/2020 (for early hearing), C.M. Appl. No.9932/2020 (for clarification in order dated 8th November 2019)

VIJAY KUMAR & ORS. Petitioners

Through: Mr. Ravi Rai, Advocate.

Versus

UNION OF INDIA & ORS Respondents

Through: Mr. Siddharth Khatana, Sr. Panel Counsel.

+ W.P. (C) 11870 /2019, C.M. Appl. No.19714/2020 (for direction to the respondents to properly implement the order and to fix proper basic pay)

NIRMAL CHANDRA MANDAL & ORS Petitioners

Through: Mr. Ravi Rai, Advocate.

Versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Siddharth Khatana, Sr. Panel Counsel.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

%

20.08.2020

C.M. Appl. No.19758/2020 in W.P. (C) 11833/2019 (of the petitioners / applicants for early hearing)

1. The counsel for the respondents appears on advance notice.
2. The application is allowed and disposed of.
3. C.M. Appl. No.9932/2020 is ordered to be taken up today itself.

C.M. Appl. No.9932/2020 in W.P. (C) 11833/2019 and
C.M. Appl. No.19714/2020 in W.P. (C) 11870 /2019

4. These applications are identical in nature to C.M. Appl. No.18727/2020 in W.P.(C) 11231/2019 titled ***Krishnadhan Patari & Ors. Vs. Union of India & Anr.***, which had come up before us on 13th August, 2020.
5. The counsel for the petitioners/applicants as well as the counsel for the respondents are agreeable to the same order, as passed on 13th August, 2020, being passed.
6. These applications have been filed in the writ petitions which were disposed of on the very first date when they came up before the Court, granting to the petitioners, the same relief which had been granted by this Court in ***Baldev Singh Vs. Union of India***, 2013 SCC OnLine Del 2942, i.e. of payment/grant of first Assured Career Progression Scheme (ACP Scheme) benefit from the date the petitioners completed twelve years of their service.
7. The petitioners have filed these applications pleading that though ACP Scheme benefit has been granted to them, but on the basis of an erroneous computation of basic pay and contending that the petitioners are entitled to ACP Scheme benefit on the basis of basic pay as computed in terms of ***Vinoj V.V. Vs. Union of India***, 2018 SCC OnLine Del 12714.
8. The counsel for the petitioners/applicants agrees that the basic pay on which ACP was ordered to be granted was not the subject matter of ***Baldev Singh supra*** or of these writ petitions. It is however contended that once this Court in ***Vinoj V.V. supra*** has directed

computation of basic pay, for others similarly situated as the petitioners, in a particular manner, the petitioners are also entitled to the benefit thereof, without being compelled to file another petition for the said purpose.

9. We, in certain other writ petitions coming up before this Bench in the recent past, also claiming the benefit of the judgment in *Vinoj V.V. supra*, have been disposing of those petitions directing the respondents Central Industrial Security Force (CISF) to examine the case of the petitioners therein and to grant to the petitioners benefit of *Vinoj V.V. supra* if found entitled thereto and if the petitioners are not found entitled to the benefit of *Vinoj V.V. supra*, to communicate the reasons therefor in writing.

10. In the circumstances, though the counsel for the respondents CISF appearing on advance notice seeks time to file reply but the need therefor is not felt. We are of the view that even though this disposed of writ petition was not concerned with the relief as claimed in *Vinoj V.V. supra* but once this Court in *Vinoj V.V. supra* has directed computation of basic pay in certain manner and the said judgment has attained finality and has been held to be of general application, the petitioners need not be compelled to file a separate petition therefor.

11. We therefore direct, (i) the respondents CISF to within six weeks hereof examine the case of each of the petitioners herein and if find the petitioners to be similarly placed as the petitioners in *Vinoj V.V. supra*, grant to the petitioners the same relief as granted in *Vinoj V.V. supra* including of grant of ACP benefits thereon, within six

weeks herefrom; (ii) however if within the said six weeks, the petitioners or any of the petitioners are not found entitled to the benefit of *Vinoj V.V. supra*, the reasons therefor in writing be communicated to the petitioners or such of them who are not found eligible thereto.

12. The petitioners shall have separate remedies if denied the benefit of *Vinoj V.V. supra* and cannot seek enforcement of the said right claimed, in these writ petitions.

13. With the aforesaid, the applications are disposed of.

RAJIV SAHAI ENDLAW, J

ASHA MENON, J

AUGUST 20, 2020
ck