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

+ **W.P.(C) 9310/2019**

EX. HC/GD SANJEEV KUMAR Petitioner

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

versus

UNION OF INDIA AND ORS. Respondent

Through: Mr.Vishal Mittal, Senior Panel Counsel
for R-1 to R-6.

+ **W.P.(C) 9342/2019**

EX. CT/GD REGHUVAR SINGH Petitioner

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

versus

UNION OF INDIA AND ORS. Respondent

Through: Mr.Vishal Mittal, Senior Panel Counsel
for R-1 to R-6.

+ **W.P.(C) 9344/2019**

EX. HC/GD SRIKANTA ROUT Petitioner

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

versus

UNION OF INDIA AND ORS. Respondent

Through: Mr.Vishal Mittal, Senior Panel Counsel
for R-1 to R-6.

W.P.(C) 9345/2019

EX. HC/GD BHUWAN CHANDRA JOSHI Petitioner

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

versus

UNION OF INDIA AND ORS. Respondent

Through: Mr.Vishal Mittal, Senior Panel Counsel
for R-1 to R-6.

W.P.(C) 9346/2019

EX. HAV/GD BHANWAR SINGH Petitioner

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

versus

UNION OF INDIA AND ORS. Respondent

Through: Mr.Vishal Mittal, Senior Panel Counsel
for R-1 to R-6.

CM APPL. 41780/2019 (exemption) in WP (C) 9310/2019

CM APPL. 41772/2019 (exemption) in WP (C) 9342/2019

CM APPL. 41778/2019 (exemption) in WP (C) 9344/2019

CM APPL. 41782/2019 (exemption) in WP (C) 9345/2019

CM APPL. 41776/2019 (exemption) in WP (C) 9346/2019

1. Allowed, subject to all just exceptions.

CM APPL.41779/2019 in WP (C) 9310/2019

CM APPL. 41771/2019 in WP (C) 9342/2019

CM APPL. 41777/2019 in WP (C) 9344/2019

CM APPL. 41781/2019 in WP (C) 9345/2019

CM APPL.41775/2019 in WP (C) 9346/2019

2. The applications are disposed of by correcting the cause title in the orders

dated 28th August, 2019 to indicate that Mr. Vishal Mittal, Advocate appeared for the Respondents in each of the writ petitions.

3. The applications are disposed of.

W.P.(C) 9346/2019, WP (c) 9310/2019, WP (C) 9342/2019, WP (C) 9344/2019 and WP (C) 9345/2019

4. The prayers in the present petitions are required to be allowed in view of the decision dated 13th September, 2019 of this Court in Writ Petition (Civil) 8203/2019 (*Ex-Constable GD Prahalad v. Union of India and batch*).

5. However, the attention of the Court is drawn to the statement in para 19 of the order dated 13th September, 2019 in Writ Petition (Civil) 8203/2019 (*Ex-Constable GD Prahalad v. Union of India and batch*) that the SLP against the order of this Court in *Sunil Kumar Tyagi v. Union of India* has been dismissed. It is stated that the Respondents are still in the process of filing an SLP against the order in *Sunil Kumar Tyagi v. Union of India*. A minor typographical error in para 9 is also pointed out.

6. Accordingly the Court directs that the following corrections be carried out in the order dated 13th September, 2019 in W.P. (C) 8203/2019:

(i) In para 9, in the quoted portion clause (i) should read

“(i) the Petitioner would be given the benefit of MACP with effect from October, 2007 instead of 1st September, 2008.”

(ii) Para 19 of the order is corrected to read as under:

“19. With the SLP against the order in *Vijender Pal* also having

been dismissed, and with there being no difference factually or otherwise between those cases and the case at hand, the Court sees no reason why the same relief ought not to have been granted to the Petitioners. After the decision of the Supreme Court in ***Balbir Singh Turn*** the distinction sought to be drawn by the Respondents between civilian and defence personnel in the matter of grant of the MACP benefit from 1st January 2006 is untenable. Again, the mere fact that there may be other service conditions that are applied from a prospective date is not an answer to not implementing the benefit of the above decision in the matter of MACP to all CAPFs uniformly.”

7. Subject to the above corrections, the present petitions would stand completely covered by the judgement dated 13th September, 2019 of this Court in W.P. (C) 8203/2019 and are accordingly allowed in the same terms. The directions issued in para 20 of the said judgment would issue as far as these Petitioners are concerned.

8. The next date of hearing stands cancelled.

S. MURALIDHAR, J.

TALWANT SINGH, J.

SEPTEMBER 18, 2019

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