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

+ **W.P.(C) 12769/2019**

RAKESH KUMAR & ORS

..... Petitioners

Through: Mr. Manoj V. George, Ms. Shilpa Liza George, Ms. Renjit V Philip, Ms. Bhavika, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Pradeep Kumar Sharma, Advocate.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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30.01.2020

1. This petition by 17 Petitioners, all of whom serve in the Indo-Tibetan Border Police Force ('ITBP')/Respondent No. 2, seeks a direction to the Respondents to grant to the Petitioners the benefits of the Assured Career Progression ('ACP') scheme, as was directed to be granted to the Petitioners in W.P.(C) 2372/2018 (*Surjeet Singh v. Union of India*) by the order of this Court dated 6th December, 2018.

2. The Petitioners were appointed as Head Constables ('HCs') in the Telecommunication Cadre of the ITBP at various points between 1995 and 1997. The Respondents issued the ITBP, Telecommunication Cadre

Recruitment Rules, 2010, introducing the post of Assistant Sub-Inspector ('ASI') on 28th December, 2010. The grievance of the Petitioners herein is that while being granted the benefit under the ACP scheme they have been placed in the pay scale of ASI, when they should have been in the scale of Sub-Inspector.

3. It is seen that in its decision in ***Surjeet Singh*** (*supra*) the Court has found to be arbitrary the Respondents' action in introducing an "intermediary post" of ASI and as result thereof, depriving personnel who were appointed as HCs ACP benefits that would accrue to them in accordance with the grade pay hierarchy that existed at the time of their appointment. Resultantly, the Court directed the Respondents to grant to the Petitioners therein the benefits of the ACP scheme in the pay scale of SI instead of ASI.

4. In that view of the matter, the petition is allowed. Accordingly, a direction is issued to the Respondents to grant to the Petitioners the benefits under the ACP scheme in the grade of SI at par with the Petitioners in ***Surjeet Singh*** (*supra*). The consequential orders be issued within a period of 8 weeks from today.

S.MURALIDHAR, J.

TALWANT SINGH, J.

JANUARY 30, 2020 /abc