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

+ **W.P.(C) 1716/2020**

SATISH KUMAR AND ORS.

..... Petitioners

Through: Mr. Manoj K. George, Ms. Shilpa
Liza George, Ms. Akriti Jai, Mr. K.
Panmei, and Ms. Bhavika, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Pradeep Kumar Sharma, Senior
Panel Counsel.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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14.02.2020

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

2. The Petitioners, who are members of the Central Reserve Police Force ('CRPF'), seek a direction from the Respondents to grant them the benefit of the Assured Career Progression ('ACP') and Modified Assured Career Progression ('MACP') Schemes in accordance with a decision of this Court in W.P.(C) 2372/2018 (*Surjeet Singh v. Union of India*).

3. The Petitioners' grievance is that on account of the fact that the post of Assistant Sub-Inspector ('ASI') was introduced by the Respondent No. 1 by way of its order dated 17th February, 2011, the Petitioners, who joined

service as Constables between 1985 – 1993 and were subsequently appointed to the post of Head Constables (‘HCs’), should have received the benefit of the 1st financial upgradation under the Assured Career Progression (‘ACP’) Scheme in the pay scale of Sub-Inspector, instead of the scale of ASI. The Petitioners also contend that their subsequent benefits under the Modified Assured Career Progression (‘MACP’) Scheme have also been affected due to said error of the Respondents.

4. In ***Surjeet Singh*** (*supra*), the Court found, in the context of Indo-Tibetan Border Police (‘ITBP’) personnel, the Respondent No. 1’s action arbitrary in introducing an “intermediary post” of ASI, as a result of which personnel who were appointed as HCs prior to such introduction were denied ACP benefits that would have accrued to them in accordance with the grade pay hierarchy that existed at the time of their appointment. Resultantly, the Court directed the Respondents therein to grant to the Petitioners therein the benefits of the ACP scheme in the pay scale of SI instead of ASI.

5. The Court has reiterated, in several of its orders that members of the various CAPFs ought to be treated similarly in matters of the grant of ACP and MACP benefits. Accordingly, the petition is disposed of with the following directions:

- (i) The Petitioners will be granted the benefit of 1st financial upgradation under the ACP Scheme from 9th August, 1999 for completing 12 years of regular service in the pay scale of SI;
- (ii) The Petitioners will be granted the benefit of 2nd financial upgradation under the MACP Scheme from 1st January, 2006 for completing 20

years of regular service in the pay scale of Inspector;

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

S.MURALIDHAR, J.

TALWANT SINGH, J.

FEBRUARY 14, 2020

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