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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 31st July, 2020**
+ **W.P. (C) 4821/2020**

VINOD KUMAR & ORS. **.....Petitioners**

Through: Mr. Manoj V. George and Ms.
Shilpa Liza George, Advocates

versus

UNION OF INDIA & ORS. **....Respondents**

Through: Mr. Ruchir Mishra, Advocate

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

[VIA VIDEO CONFERENCING]

JUSTICE RAJIV SAHAI ENDLAW

1. The 65 petitioners, holding the rank of Constables (we are told some of them have been promoted) in the respondents No. 1 and 2 Central Reserve Police Force (CRPF), have filed this petition seeking, (i) mandamus to the respondents No. 1 and 2 CRPF to grant the first Assured Career Progression (ACP) upgradation to the petitioners on completion of 12 years of service, in the scale of Sub-Inspector with pay-band of Rs.5500-9000/- with grade-pay of Rs.4200/- and other consequential benefits, including payment of arrears accrued; and, (ii) mandamus to the respondents No. 1 and 2 CRPF to grant Modified Assured Career Progression (MACP) upgradation to the petitioners on completion of 20 years of service, in the scale of

Inspector, with pay-band of Rs.9300-34800/- with grade-pay of Rs.4600/- along with all consequential benefits, including of payment of arrears.

2. It is the case of the petitioners that they are identically placed as the petitioners in W.P. (C) 1716/2020 titled **Satish Kumar & Ors. Vs. Union of India & Ors.** decided on 14th February, 2020 and qua whom relief has been granted, with arrears being paid w.e.f. 1st January, 2006, within 12 weeks therefrom.

3. Some other matters also have been coming up before us, claiming to be covered by **Satish Kumar supra**. Though we had certain reservations about the relief granted in **Satish Kumar supra**, of payment of arrears from 1st January, 2006, i.e., for a period of 14 years prior to the filing of the petition, but since in **Satish Kumar supra**, the said relief has been granted, to maintain parity, we had disposed of the said matters directing the case of the petitioners therein to be considered and if found eligible for relief as granted to **Satish Kumar supra**, directing the respondents to grant the said relief.

4. Counsel for the petitioners states that the date from which the arrears have to be paid has been subject matter of **Union of India Vs. Balbir Singh Turn** AIR 2018 SC 206 and the question of limitation would not arise.

5. The counsel for the petitioners also states that though in the relief paragraph of the petition, he has claimed the second MACP

upgradation on completion of 20 years of service in the pay-band of Rs.9300-34800/- but recently Supreme Court has held that only the next higher grade pay is relevant for MACP.

6. Counsel for the respondents appearing on advance notice states that he has no instructions with respect to eligibility of the petitioners or each of them to the reliefs as granted in **Satish Kumar supra**, but states that Special Leave Petitions (SLPs) have been filed against some judgments following **Satish Kumar supra** and interim orders qua the contempt proceedings initiated in those cases have been granted. It is also informed that SLP against the judgment in **Satish Kumar supra is in the** process of being filed.

7. We are bound by **Satish Kumar supra**, as long as the petitioners herein are found to be covered by the said judgment. However the determination of the case of the each of the petitioners, is not to be done before this Court and has to be done by the respondents.

8. We therefore dispose of this petition by directing the respondents No. 1 and 2 CRPF to, within eight weeks hereof, consider the case of each of the petitioners viz-a-viz **Satish Kumar supra** and if the petitioners or any of them are found entitled to be covered by the said judgment, to grant to the petitioners or such of them who are found to be so covered, the same relief as granted in **Satish Kumar supra**, i.e. of grant of first financial upgradation under the ACP Scheme from the date the petitioners or each of the

petitioners completed 12 years of service and in the pay-scale of Sub-Inspector and to grant the benefit of second financial upgradation under the MACP Scheme, from the date of completion of 20 years of regular service, in the pay-scale of Inspector, with arrears being paid within a period of 12 weeks from today. If on examination of the cases, the petitioners or any of the petitioners are not found entitled to be covered by the judgment in *Satish Kumar supra*, the respondents No. 1 and 2 CRPF, to within eight weeks aforesaid, inform the petitioners or such of them who are not found entitled to the relief, the reasons in writing therefor and with respect whereto the petitioners or such of them who are not so determined by the respondents, to be covered by said judgment, shall have remedies in accordance with law.

9. The writ petition is disposed of.

RAJIV SAHAI ENDLAW, J.

ASHA MENON, J.

JULY 31, 2020

ck/pkb