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

+ **W.P.(C) 6395/2020**

RANVIR SINGH RANA AND ORS

..... Petitioners

Through: Mr. Manoj V. George, Ms. Shilpa
Liza George & Ms. Bhavika, Advs.

Versus

UNION OF INDIA AND ORS

..... Respondents

Through: Ms. Nidhi Raman, Adv. for R-1 to 3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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14.09.2020

[VIA VIDEO CONFERENCING]

1. The nineteen petitioners, being personnel of the respondents No.1 and 2 Central Reserve Police Force (CRPF), have filed this petition seeking direction to the respondents CRPF to, (i) grant the first Assured Career Progression (ACP) upgradation to the petitioners on completion of 12 years service, in the scale of Sub-Inspector Pay Band of Rs.5500-9000 with Grade Pay of Rs.4200/- from the date of completion of 12 years of service and to pay all arrears thereof with interest; and, (ii) grant the second Modified Assured Career Progression (MACP) upgradation to the petitioners on completion of 20 years of service and other consequential benefits including arrears with interest, according to the settled position of law as per the Supreme Court.

2. It is the plea of the petitioners that the petitioners are similarly placed

as the petitioners in W.P.(C) No.5426/2020 titled **Nawal Kishore Tiwari Vs. Union of India** which was disposed of on 19th August, 2020 with a direction to the respondents No.1 and 2 CRPF to, within eight weeks, consider the case of each of the petitioners therein and if found entitled to be covered by the judgment dated 14th February, 2020 of this Court in W.P. (C) No.1716/2020 titled **Satish Kumar Vs. Union of India**, to grant to them the same relief.

3. The counsel for the respondents appearing on advance notice states that time to file counter affidavit and to obtain instructions be granted, to enable the respondents to verify the case of each of the petitioners. It is also stated that Special Leave Petition (SLP) in the Supreme Court against the dicta of this Court in **Satish Kumar** supra is in the process of being filed and it is expedient that in this writ petition, the outcome of **Satish Kumar** supra in the Supreme Court is awaited.

4. Once we intend to dispose of this petition with a direction to the respondents No.1 and 2 CRPF to examine the case of the petitioners and to grant to only such of the petitioners who are found to be at par with **Satish Kumar** supra and entitled to the same relief as granted in **Satish Kumar** supra, we see no reason to keep the petition pending.

5. As far as the contention of the counsel for the respondents, to await the outcome of the SLP in **Satish Kumar** supra is concerned, we have enquired from the counsel for the respondents, whether not it is the respondents No.1 and 2 CRPF themselves who are found to be encouraging such litigation, by refusing/rejecting the representations of those claiming to be entitled to the same relief as granted to others in petitions filed by such others, merely by contending that the relief was granted only with respect to

the petitioners in that case before the Court, thereby compelling all those claiming to be similarly situated, to approach the Court. Only if the respondents No.1 and 2 CRPF take a stand that once a particular relief with respect to service emoluments has been granted by the Court, the same, if of general application, will be granted to all those similarly placed, without rejecting their claims on the ground of the judgment, though of general application, being *in personam*, will the personnel of the forces await the final order; else they are all compelled by the conduct of the respondents No.1 and 2 CRPF themselves, to approach the Court.

6. We are therefore of the opinion that it will be open to the respondents No.1 and 2 CRPF to, in the SLP being preferred against **Satish Kumar** supra, seek appropriate orders with respect to all other matters in the High Courts, claiming the same relief and we are not inclined to keep this petition pending.

7. 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 vis-a-vis **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 entitled 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 MACP Scheme, from the date of completion of 20 years of regular service, as per the dicta of the Supreme Court in **Union of India Vs. M.V. Mohanan Nair** 2020 SCC OnLine SC 302, with arrears being paid within a period of

12 weeks from today, failing which the respondents No.1 and 2 CRPF shall be liable to pay interest at 6% per annum. If on the 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 No.1 and 2 CRPF to be covered by the said judgment, shall have remedies in accordance with law.

RAJIV SAHAI ENDLAW, J.

ASHA MENON, J.

SEPTEMBER 14, 2020

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