

\$~Suppl.-22, 23, 25 to 29, 32 to 36 and 38 to 41

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

**+ W.P. (C) 370/2021 & CM APPL.988/2021**

EX HC GD SHYAM SINGH .....Petitioner

Through: Mr. O.P. Agarwal, Advocate

Versus

UOI AND OTHER .....Respondents

Through: Ms. Shiva Lakshmi, CGSC with Mr.  
Siddharth Singh, Advocate.

**+ W.P. (C) 371/2021& CM APPL.989/2021**

EX HC GD AMIN SINGH RANA .....Petitioner

Through: Mr. O.P. Agarwal, Advocate

Versus

UOI AND OTHER .....Respondents

Through: Ms. Shiva Lakshmi, CGSC with Mr.  
Siddharth Singh, Advocate.

**+ W.P. (C) 377/2021 & CM APPL.999 /2021**

EX HC GD RAKESH KUMAR .....Petitioner

Through: Mr. O.P. Agarwal, Advocate

Versus

UOI AND OTHER .....Respondents

Through: Ms. Shiva Lakshmi, CGSC with Mr.  
Siddharth Singh, Advocate.

**+ W.P. (C) 378/2021 & CM APPL.1000/2021**

EX HC GD MILAP CHAND .....Petitioner

Through: Mr. O.P. Agarwal, Advocate

Versus

UOI AND OTHER .....Respondents

Through: Ms. Shiva Lakshmi, CGSC with Mr.  
Siddharth Singh, Advocate.

**+ W.P. (C) 379/2021 & CM APPL.1001/2021**

EX HC GD MAHESH SINGH .....Petitioner

- Through: Mr. O.P. Agarwal, Advocate  
Versus  
UOI AND OTHER .....Respondents
- Through: None.
- + **W.P. (C) 380/2021, CM APPL.1002 /2021**  
EX HC GD SATISH KUMAR .....Petitioner
- Through: Mr. O.P. Agarwal, Advocate  
Versus  
UOI AND OTHER .....Respondents
- Through: Ms. Monika Arora, Advocate for R-1 to R-6.  
Ms. Shivani Aggarwal, proxy counsel for Mr. Vikram Jetly, Advocate.
- + **W.P. (C) 384/2021 & CM APPL.1007/2021**  
EX HC GD NATHU SINGH .....Petitioner
- Through: Mr. O.P. Agarwal, Advocate  
Versus  
UOI AND OTHER .....Respondents
- Through: None.
- + **W.P. (C) 402/2021, CM APPL.1077/2021**  
EX HC GD VIRENDER SINGH .....Petitioner
- Through: Mr. O.P. Agarwal, Advocate  
Versus  
UOI AND OTHER .....Respondents
- Through:
- + **W.P. (C) 403/2021 & CM APPL.1080/2021**  
EX HC GD VINOD KUMAR .....Petitioner
- Through: Mr. O.P. Agarwal, Advocate  
Versus  
UOI AND OTHER .....Respondents
- Through: Ms. Shiva Lakshmi, CGSC with Mr. Siddharth Singh, Advocate.
- + **W.P. (C) 404/2021 & CM APPL.1081/2021**  
EX HC GD RAM KISHAN .....Petitioner
- Through: Mr. O.P. Agarwal, Advocate  
Versus

- UOI AND OTHER .....Respondents  
Through: None.
- + **W.P. (C) 405/2021 & CM APPL.1082/2021**  
EX HC GD RISHI PAL SINGH .....Petitioner  
Through: Mr. O.P. Agarwal, Advocate  
Versus  
UOI AND OTHER .....Respondents  
Through: Ms. Monika Arora, Advocate for R-1 to R-6.  
Ms. Shivani Aggarwal, proxy counsel for Mr. Vikram Jetly, Advocate.
- + **W.P. (C) 406/2021 & CM APPL.1083/2021**  
HC GD RAHIS SINGH RANA .....Petitioner  
Through: Mr. O.P. Agarwal, Advocate  
Versus  
UOI AND OTHER .....Respondents  
Through: None
- + **W.P. (C) 439/2021 & CM APPL.1124 /2021**  
EX HC GD KARTAR SINGH .....Petitioner  
Through: Mr. O.P. Agarwal, Advocate  
Versus  
UOI AND OTHER .....Respondents  
Through: Ms. Monika Arora, Advocate for R-1 to R-6.  
Ms. Shivani Aggarwal, proxy counsel for Mr. Vikram Jetly, Advocate.
- + **W.P. (C) 440/2021 & CM APPL.1125/2021**  
HC GD ANIL KUMAR .....Petitioner  
Through: Mr. O.P. Agarwal, Advocate  
Versus  
UOI AND OTHER .....Respondents  
Through: Mr. Gaurav Bhardwaj, proxy counsel for Mr. Alok Singh, Sr. Panel Counsel for UOI.

Mr. Vinod Diwakar, CGSC with  
Mr. Vishal Kumar Singh, Advocate  
for R-1 to R-6.

Ms. Shivani Aggarwal, proxy counsel  
for Mr. Vikram Jetly, Advocate.

- + **W.P. (C) 443/2021 & CM APPL.1126/2021**  
EX HC GD HOSHIAR SINGH .....Petitioner  
Through: Mr. O.P. Agarwal, Advocate  
Versus  
UOI AND OTHER .....Respondents  
Through: Ms. Shiva Lakshmi, CGSC with Mr.  
Siddharth Singh, Advocate.
- + **W.P. (C) 444/2021, CM APPL.1127/2021**  
EX HC GD JAI PRAKASH .....Petitioner  
Through: Mr. O.P. Agarwal, Advocate  
Versus  
UOI AND OTHER .....Respondents  
Through: Ms. Shiva Lakshmi, CGSC with Mr.  
Siddharth Singh, Advocate.  
Ms. Monika Arora, Advocate for R-1  
to R-6.  
Ms. Shivani Aggarwal, proxy counsel  
for Mr. Vikram Jetly, Advocate.

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Date of Decision: 12<sup>th</sup> January, 2021

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN**

**HON'BLE MS. JUSTICE ASHA MENON**

### **J U D G M E N T**

**MANMOHAN, J (Oral):**

1. Present batch of petitions have been filed seeking a number of prayers. However, learned counsel for the petitioners prays that a similar

order as passed by a Division Bench in W.P.(C) No.6437/2019 dated 30<sup>th</sup> May, 2019 be passed in the present writ petitions. He clarifies that neither the judgment and order dated 30<sup>th</sup> May, 2019 in W.P.(C) No.6437/2019 nor the judgments referred to in the said order have been challenged before the Supreme Court by the respondents.

2. Issue notice.

3. Learned counsel for the respondents accept notice. Learned counsel for the respondents state that in similar matters, notices have been issued by the Supreme Court in the condonation of delay and special leave petitions. They, however, candidly state that there is no stay in the said special leave petitions.

4. It is pertinent to mention that the petitioners have preferred the present writ petitions to primarily seek a mandamus to the respondents to grant the benefit of the second financial upgradation under the MACP Scheme in the Pay Band of Rs.9300-34800 with Grade Pay of Rs.4200 w.e.f. 01<sup>st</sup> January, 2006 and wherever 20 years have been completed till the date the petitioners' voluntarily retired on 30<sup>th</sup> June, 2006 or the dates mentioned in the prayer clause along with consequential benefits including arrears. The petitioners' claim is based upon the decision of the Supreme Court in the case of ***Union of India and Ors. Vs. Balbir Singh Turn & Anr.***, Civil Appeal Diary No.3744/2016 along with other cases decided on 08<sup>th</sup> December, 2017. The petitioners also place reliance on the decision of the Division Bench of this Court in ***Sunil Kumar Tyagi vs. Union of India & Anr.***, W.P. (C) No.3549/2018 decided on 01<sup>st</sup> May, 2019.

5. As admittedly there is no interim order passed by the Supreme Court in any of the special leave petitions filed by the Union of India in similar

matters, we dispose of the present batch of writ petitions in similar terms as passed in W.P.(C) No.6437/2019 i.e. a direction to the respondents to consider the petitioners' claim in the light of the judgments in ***Union of India and Ors. Vs. Balbir Singh Turn & Anr. (supra)*** and ***Sunil Kumar Tyagi vs. Union of India & Anr (supra)*** and to dispose of the representations of the petitioners positively within twelve weeks from today. It is clarified that in the event the Supreme Court varies or set asides the order passed by the Division Bench in ***Sunil Kumar Tyagi vs. Union of India & Anr (supra)*** and/or any other similar matter, then the present order shall abide by the order(s) of the Apex Court.

6. With the aforesaid direction, the present batch of writ petitions along with pending applications stand disposed of.

**MANMOHAN, J**

**ASHA MENON, J**

**JANUARY 12, 2021**  
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