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

+ **W.P. (C) 10028/2020**

**SURENDER SINGH**

.....Petitioner

Through: **Mr.K.K.Sharma, Advocate**

Versus

**UNION OF INDIA & ORS.**

...Respondents

Through: **Ms. Nidhi Banga, Senior Panel  
Counsel Central Government for  
R/IOI.**

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Date of Decision: 19<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)**

**W.P. (C) 10028/2020**

1. The petition has been heard by way of video conferencing.
2. The present writ petition has been filed seeking a direction to the Respondent No. 2 to 4 to give the benefit of the 2<sup>nd</sup> MACP to the Petitioner in the pay scale of Sub-Inspector @ Rs. 9300-34800/- with Grade Pay of Rs. 4200/- upon completion of 20 years of regular service with the CRPF, from his respective due date of year by treating the MACP as applicable since 01<sup>st</sup> January 2006 onwards.

3. Petitioner further prays for a direction to the respondents to pay the arrears in the above terms after rectification of his pay scale along with consequential arrears arising therefrom.
4. Learned Counsel for the petitioner submits that the issue involved in the present writ petition has already been decided by this Court in W.P. (C) No.8203/2019 in **Ex. HC/GD Prahalad vs. Union of India and Ors** vide order dated 13<sup>th</sup> September, 2019, as modified by order dated 18<sup>th</sup> September, 2019.
5. Issue notice.
6. Ms. Nidhi Banga, Advocate accepts notice on behalf of the respondents. She states that five special leave petitions are pending consideration before the Supreme Court on the same issue.
7. In rejoinder, learned counsel for the petitioner states that no SLP is pending against the judgment and order in **Ex. HC/GD Prahalad (supra)**, W.P.(C) No.8203/2019 before the Apex Court.
8. Having heard learned counsel for the parties, this Court is of the view that the prayer in the present petition stands covered by the decision dated 13<sup>th</sup> September, 2019, as modified by order dated 18<sup>th</sup> September, 2019, of this Court in W.P.(C) 8203/2019 (**Ex.HC/GD Prahalad v. Union of India and batch**).
9. Accordingly, the present writ petition is allowed with the following directions:-

- (i) The benefit of the 2<sup>nd</sup> MACP will be given from the date of completion of 20 years of service by treating the MACP scheme as applicable with effect from 1<sup>st</sup> January 2006 onwards;

(ii) The petitioners will be placed in the appropriate pay scale of SI/HC etc. as the case may be (for eg. In the case of SIs Rs.9300 – 34800 with grade pay of 4200) from the date of completion of 20 years of regular service;

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

10. Needless to state that the present order will abide by the judgment and order to be passed by the Supreme Court in the pending SLPs, if any, on the same issue.

11. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

**MANMOHAN, J**

**ASHA MENON, J**

**JANUARY 19, 2021**

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