

\$~17

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

+ W.P.(C) 8882/2020 & C.M.Nos.13325-13326/2021

BALWINDER SINGH & ORS. Petitioners

Through Mr.Parinav Gupta, Advocate.

versus

UNION OF INDIA & ANR. Respondents

Through Ms.Nidhi Raman, Advocate with
Ms. Dacchita Shahi and Mr. Uddhav
Khanna, Advocates for UOI.

% Date of Decision: 09th April, 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 writ petition has been heard by way of video conferencing.

C.M.No.13326/2021

Exemption allowed, subject to all just exceptions.

Accordingly, the application stands disposed of.

W.P.(C) 8882/2020 & C.M.Nos.13325/2021

2. Present application being C.M.No.13325/2021 has been filed by the petitioners praying that the present writ petition be disposed of in terms of the judgment and order dated 14th February, 2020 passed by this Court in W.P.(C) No.1716/2020 titled “*Satish Kumar & Ors. Vs. UOI & Ors.*”

3. During the course of arguments, learned counsel for the petitioners states that even this Bench has passed a similar order dated 24th March, 2021 in W.P.(C) No.10611/2020.

4. It is pertinent to mention that the petitioners have preferred the present writ petition 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. 01st January, 2006 and wherever 20 years have been completed as detailed in Schedule A to the petition 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 08th 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 01st 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 writ petition in similar terms as passed in W.P.(C) No.10611/2020 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)*** as well as ***Union of India & Ors. vs. M.V. Mohanan Nair, (2020) 5 SCC 421*** 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 writ petition along with pending application stands disposed of.

MANMOHAN, J

ASHA MENON, J

APRIL 09, 2021
KA

