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

+ W.P. (C) 1191/2021

OM PRAKASH & ORS.Petitioners

Through: Mr. Asish Nischal, Advocate.

Versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Vivek B. Saharya with
Ms. Rupali Kapoor, Advocates.

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Date of Decision: 01st February, 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. The petition has been heard by way of video conferencing.
2. Though the present writ petition has been filed with a number of prayers, yet learned counsel for the petitioners confines his prayer to benefit of Second Modified Assured Career Progression Scheme (MACP) to the petitioners in the pay scale of Sub Inspector @ Rs 9300- 34,800/- with Grade pay of Rs 4200/- from 15th April 2006 upon completion of 20 years of regular service with CRPF by treating the MACP as applicable since 01st January, 2006 onwards; and to revise the pay of the Petitioners in above said terms and give the arrears to the Petitioners after rectification/revision of his pays scale along with subsequent benefits arising therefrom.

3. Learned counsel for the petitioners states that the issue involved in the present writ petition has already been decided by this Court in W.P.(C) 8203/2019 *Ex. HC/GH Prahalad Vs. Union of India and Ors.* vide order dated 13th September, 2019 as modified by order dated 18th September, 2019.
4. Learned counsel for the petitioners further submits that the Respondents have given the benefit of the 2nd MACP in an incorrect manner i.e. pay band of Assistant Sub-Inspector post @ 5200-20200/- + Grade pay Rs.2800 since 01st September, 2008, (i.e. when the MACP scheme came into force).
5. Issue notice.
6. Mr. Vivek B. Saharya, Advocate accepts notice on behalf of the respondents. He states that a number of Special Leave Petitions are pending consideration before the Supreme Court on the same issue.
7. 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 13th September, 2019, as modified by order dated 18th September, 2019, of this Court in W.P.(C) 8203/2019 (*Ex.HC/GD Prahalad v. Union of India and batch*).
8. Accordingly, the present writ petition is allowed with the following directions:-
 - (i) The benefit of the 2nd MACP will be given from the date of completion of 20 years of service by treating the MACP scheme as applicable with effect from 01st 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 petitioners 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.

9. 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 similar issue.

10. 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

FEBRUARY 01, 2021

AS