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

+ **W.P.(C) 4184/2021 & C.M.No.15608/2021**

DHARAMVEER YADAV

..... Petitioner

Through **Mr.Tamradhwaj Sharma, Advocate.**

versus

UNION OF INDIA AND ORS

..... Respondents

Through **Ms.Nidhi Banga, Sr.Panel Counsel.**

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Date of Decision: 31st August, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

J U D G M E N T

MANMOHAN, J: (Oral)

1. The petition has been heard by way of video conferencing.
2. Present writ petition has been filed primarily seeking benefit of 2nd financial up-gradation in MACP Scheme from the due date June, 2008 (01st June, 2008) in the pay scale of Sub-Inspector with admissible grade pay. By an amendment application, being C.M.No.15608/2021, the petitioner seeks to amend the prayer clause by incorporating the following additional prayer:-

a) Issue directions for quashing of the order dated 31.12.2019, passed by the Respondents, rejecting /denying the request of the Petitioner for grant of MACP w.e.f. 01.06.2008 (01.01.2006) instead of 01.09.2008;"

3. Since the writ petition is at the inception stage and the amendment application has been filed in pursuance to the liberty granted by this Court, the same is allowed and the amended writ petition is taken on record.

4. The impugned order dated 31st December, 2019 is reproduced hereinbelow:-

“Sub:- GRANT OF MACP

Kindly refer to your letter number nil dated 07.12.2019

It is inform to you that in compliance to the Hon’ble High Court of Delhi vide order dated 21.08.19 in WP (C) No.3549/2018 filed by Sunil Kumar Tyagi v/s UOI & Ors before Hon’ble High Court of Delhi, case was taken up with DOPT&T through MHA to consider for grant of MACP w.e.f. 01.01.2006 instead of 01.09.2008 in accordance with the decision dated 08.12.2017 of the Hon’ble Supreme Court of India in the case of Balbir Singh Turn & Anr. However, after detailed consideration of the case, DOP&T did not accede to the proposal for grant of MACP w.e.f. 01.01.2006”

(Emphasis supplied)

5. This Court is of the view that the impugned order is a non-reasoned and non-speaking order. It is settled law that every quasi judicial order must be supported by reasons. In ***M.J.Sivani & Ors. Vs. State of Karnataka & Ors., (1995) 6 SCC 289***, it has been held that reasons are the link between the order and the mind of its maker. Further in ***Messrs Mahabir Prasad Santosh Kumar Vs. State of U.P. & Ors., (1970) 1 SCC 764*** it has been held that the conclusion of a quasi-judicial authority must be fair and just and for ensuring this, it must record reasons which would show the ultimate mental process leading from the dispute to its solution. Consequently, the recording of reasons while deciding cases is a mandatory requirement.

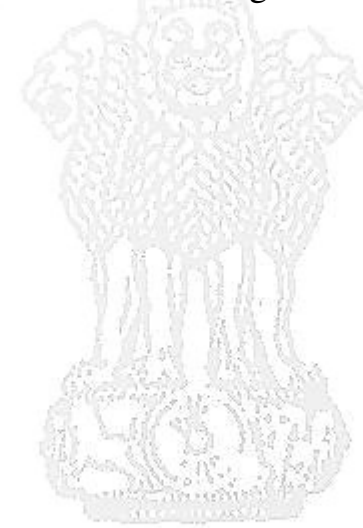
6. Keeping in view the aforesaid, the impugned order dated 31st December, 2019 is quashed and the respondent no.1 is directed to reconsider the petitioner's prayer for grant of benefit of 2nd financial upgradation in MACP Scheme from the due date June, 2008 (01st June, 2008) in the pay scale of Sub-Inspector with admissible grade pay within six weeks. With the aforesaid direction, the present writ petition along with pending application stands disposed of.

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

MANMOHAN, J

NAVIN CHAWLA, J

**AUGUST 31, 2021
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