

\$~Suppl.-6

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

+ W.P. (C) 4594/2021, CM APPL.14075/2021

PRAMOD NARAYAN SHARMA & ORS.Petitioners
Through: Mr.Amol Chitravanshi, Advocate.

Versus

UNION OF INDIA & ORS.Respondents
Through: Ms.Arti Bansal, Advocate.

% Date of Decision: 13th May, 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. Present writ petition has been filed seeking the following relief:-

“a. Direct the Respondents to grant the 2nd MACP upgradation on completion of 20 years of service in the scale of Sub-Inspector with pay band of 9300-34800 with grade pay of Rs 4200/- on the date each of them became eligible for MACP and other consequential benefits including arrears of payment being accrued thereto according to the settled position of law per the Hon'ble Supreme Court.

b. Direct the Respondents to grant the 3RD MACP upgradation on completion of 30 years of service in the scale of Inspector with pay band of 9300-34800 with grade pay of Rs 4600/- on the date each of them became eligible for MACP and other consequential benefits including arrears of payment being accrued thereto

according to the settled position of law per the Hon'ble Supreme Court.

c. Direct the respondents to grant the pay scale of Rs. 4200/- in place of Rs. 2800/- Grade Pay on the completion of 20 years regular service.”

3. Learned Counsel for the Petitioners submits that the Petitioners are aggrieved by the conduct of the Respondents in granting them ACP benefits in the wrong promotional post of Assistant Sub-Inspector and not Sub-Inspector which was the correct promotional post according to rank at the time of their joining. He further states that when the post of Assistant Sub-Inspector was introduced in 1984, it was clearly stated that the post was being introduced only as a temporary post and that too only for administrative exigencies for a limited period. According to him, the correct promotional rank hierarchy was always Constable, Head Constable, Sub-Inspector, Inspector and so on, ever as per the CRPF Rules in force at that time.

4. A perusal of the paper book reveals that the petitioners had made a representation dated 09th September, 2020 to the Director General, CRPF. However, the same has not been decided till date.

5. Consequently, the present writ petition is disposed of with a direction to the Direction General, CRPF to decide the petitioners' representation dated 09th September, 2020 within six weeks by way of a reasoned order.

6. It is clarified that this Court has not expressed any opinion on the merits of the controversy. All the rights and contentions of the parties are left open.

7. In the event, the petitioners are aggrieved by the decision of the Director General, CRPF, they shall be at liberty to file appropriate

proceedings in accordance with law.

8. With the aforesaid directions, the present writ petition along with pending application stands disposed of.

9. 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

MAY 13, 2021
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