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

+ **W.P.(C) 13835/2021 & CM APPL.43663/2021**

ASI GD BALBIR SINGH AND ORS Petitioners

Through **Mr. Abhishek Kumar**
Chaudhary, Advocate.

versus

UNION OF INDIA AND ANR Respondents

Through **Mr. Niraj Kumar, Advocate**
with Mr. Anshuman, Advocate.
Mr. Jatin Puniyani, Advocate.

% **Date of Decision: 8th December, 2021**

CORAM:
HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MR. JUSTICE NAVIN CHAWLA

MANMOHAN, J. (Oral)

1. Present writ petition has been filed seeking a number of prayers. However, learned counsel for the petitioners prays that a similar order, as passed by a Division Bench in W.P.(C) No.6437/2019 on 30th May, 2019, be passed in the present writ petitions. He clarifies that neither the judgment and order dated 30th May, 2019 in W.P.(C) No.6437/2019 nor the judgments referred to in the said order have been challenged before the Supreme Court by the respondents.

2. Issue notice.

3. Learned counsel for the respondents accepts notice. He states that in similar matters notices have been issued by the Supreme Court in the application for condonation of delay and Special Leave Petitions. He, however, candidly states that there is no stay in the said Special Leave Petitions.

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 till the date the petitioners' voluntarily retired on 30th June, 2006 or the dates mentioned in the prayer clause 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. Learned counsel for the petitioners also places reliance on ***Sunil Kumar Tyagi vs. Union of India & Anr.***, W.P. (C) No.3549/2018 decided on 01st May, 2019. He emphasises that SLP (Civil) No. 35888/2019, ***Union of India Vs. Sunil Kumar Tyagi*** has been dismissed by the Supreme Court vide order dated 15th November, 2019 and even the Review Petition filed against the said order has been dismissed on 27th July, 2021.

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.6437/2019 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. In the event, the respondents ask for any clarification, the petitioners shall furnish the same within two weeks.

6. It is clarified that in the event the Supreme Court varies or set asides the order passed by the Division Bench in the present petition and/or any other similar matter, then the present order shall abide by the order(s) passed by the Apex Court.

7. With the aforesaid direction, the present writ petition along with pending application stands disposed of.

MANMOHAN, J

NAVIN CHAWLA, J

DECEMBER 8, 2021
AS