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W.P.No. 1196 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 1196 of 2018

M. Namadevan

... Petitioner

Vs.

1. Directorate General Border Security Force (Water Wing)
“F” Wing, 2nd Floor, Nirman Bhavan,
New Delhi- 110011.

2. Border Security Force,
Pay and Accounts Division, Pension-V Section,
Pushpa Bhawan Madangir,
New Delhi – 110062.

3. The Commandant
105 Battalion,
Border Security Force
SHQ, Punjab
Kheowli – PO - 152121

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to accord Financial Upgradation to the petitioner according to the first ACP after the completion of tenth year and to the 2nd MACP after the completion of 20th year of service as per the Sixth Central Pay Commission introduced Scheme and to sanction Pension calculated in terms of the pay band enhanced under the above two Financial Upgradations.

For Petitioner

: Mr. B. Christ Das

For Respondents

: Mr. M. Arvind Kumar
SCGPC for R1 to R3



ORDER

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The relief sought for in the present writ petition is to direct the respondents to accord financial upgradation to the petitioner according to the first ACP after completion of tenth year and the second MACP, after completion of 20 years of service as per the Sixth Pay Commission introduced Scheme.

2. The learned counsel for the petitioner mainly contended that the ACP Scheme which was in force during the year 2000 was not implemented in favour of the petitioner and he suffered monetary loss.

3. However, the learned counsel for the respondent furnished a copy of the proceedings dated 12.08.2010 which states that financial upgradation under MACP Scheme was granted to the writ petitioner on 28.03.2010. Therefore, it is not disputed that MACP Scheme benefits regarding the financial upgradation was granted to the writ petitioner and in respect of the earlier scheme that is prior to 2010, the petitioner could not able to establish that the said benefit was not granted. If at all the petitioner claims that the benefits prevailing prior to MACP Scheme of the year 2008 was not paid,



the present writ petition filed after several years cannot entertained. As far as MACP Scheme of the year 2008 is concerned, the same was implemented with effect from 01.09.2008 and the said Scheme was extended in favour of the writ petitioner and consequently financial upgradation was granted with effect from 28.03.2010.

4. This being the factum, the grievances of the writ petitioner is not established. That apart the prayer itself is ambiguous. Therefore, the relief as sought for in the writ petition deserves no consideration. The writ petition stands dismissed accordingly. No costs.

13.10.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order



To

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S.M.SUBRAMANIAM, J.

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