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

% **Date of decision: 27.01.2023**

+ W.P.(C) 1046/2023 & CM APPL.4094/2023

PRAMOD NARAYAN SHARMA AND ORS. Petitioners

Through: Mr. Amol Chitravanshi, Mohd. Afzal
Ansari, Mr. Aditya Agarwal and Ms.
Kriti Sinha, Advocates.

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Ajay Dignpaul, Mr. Kamal
Dignpaul and Ms. Swati Kwatra,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. The petitioner in his petition has made following prayer:

- a) *To struck down order dated 17.02.2011 passed by the respondents as ultra vires in view of the provision of Articles 14,16 and 21 of the Constitution of India and going against the very theme and ethos of our Constitution.*
- b) *To direct a suitable nature commanding the respondent to give the promotion to the petitioner, they being eligible for the same before 17.02.2011.*
- c) *To direct a suitable nature commanding the respondent to prepare and publish a revised seniority list in conformity CRPF Rules 1955.*

2. The admitted case of the petitioner is that he initially was appointed as a Head Constable in CRPF. The Ministry of Home Affairs drew a scheme dated 17.02.2011 upon the acceptance of 6th C.P.C's recommendations, and

the respondent introduced ASI Rank in the executive cadre where it does not exist in the modalities for introducing the said rank.

3. Pursuant to the said scheme, the petitioner was promoted from Head Constable to ASI in 2011 and the same was accepted by him. In the year 2022, the petitioner filed a writ petition vide W.P.(C)11001/2022 to seek MACP benefit and consequently upgradation of the pay scale. The same was dismissed as withdrawn vide Order dated 02.11.2022 in view of the judgement dated 22.08.2022 passed by the Hon'ble Supreme Court in the case of *Union of India and Others vs. Ex. HC/GD Virender Singh, 2022 SCC OnLine SC 1058*.

4. The petitioner, who himself was a beneficiary of the order dated 17.02.2011 and was promoted as ASI in 2011, has sought to challenge the same order after about twelve years merely because he was held not entitled to MACP benefit in his W.P.(C) 11001/2022.

5. We find this petition has no merit, and is accordingly dismissed.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

JANUARY 27, 2023/PA