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

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Date of decision: 17.02.2023

+ **W.P.(C) 2030/2023**

KEDAR SHARMA AND OTHERS

..... Petitioners

Through: Mohammad Usman Siddiqui,
Ms.Aisha Siddiqui, Mr.B.S.
Randhawa, Ms.Sakeena Quidwai &
Md. Asim, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr.Shrey Sharawat, SPC with
Mr.Mohit Auluck, Mr.Vivek Nagar,
Advocates.
Sh.Hemandra Singh, DC (LAW)
BSF.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

CM APPL. 7700/2023

1. Allowed, subject to just exceptions.
2. Application is disposed of.

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3. Vide the present petition, petitioners pray as under:

- a) *To direct the respondents to grant benefit of arrears of 1st Financial Upgradation in the ACP Scheme from the date of completion of their 12 years of service till the date of promotion*

of Head Constable (GD);

- b) To direct the respondents to grant the benefit of 2nd MACP Upgradation on completion of 20 years of service in the pay band of 9300-34800 with grade pay of 4200, from the date of completion of 20 years of service;*
- c) To direct the respondents to fix the pay of the petitioners in eligible and admissible pay scales as per hierarchy after granting financial upgradation under MACP from their respective due dates in the pay scale of SI with admissible grade pay;*
- d) To direct the respondents to issue revised pension order paying arrears of pension in cases of petitioner nos.16 and 23 and the arrears of pay, accordingly, on the interest @ 12% p.a. from the date due.*

4. Learned counsel for the petitioner submits that this issue has already been decided by the Hon'ble Supreme Court in the case of ***Union of India & Ors. vs. Ex. HC/GD Virender Singh*** on 22.08.2022 being SLP(C) No.16442/2021.

5. Accordingly, we hereby dispose of the present petition by giving directions to the respondents to treat the present petition as representation and decide the same within six weeks from today and the decision taken shall be communicated to the petitioner within one week thereafter.

6. Needless to say that if the petitioner is still aggrieved by the decision, he may challenge the same before the appropriate Forum.

7. In view of above, petition is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

FEBRUARY 17, 2023/ab

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