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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 20th March, 2023

+ W.P.(C) 3443/2023 & CM APPL. 13285/2023

RAVINDER KUMAR AND ORS. Petitioners
Through: Mr. Vijay Kumar & Mr. Rahul
Kr. Singh, Advocates.

versus

UNION OF INDIA AND ORS. Respondents
Through: Ms. Aakanksha Kaul, Ms.
Versha Singh & Mr. Aman
Sahani, Advocates with Mr.
Vinod Tiwari, Govt. Pleader
for UOI.

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. Vide the present petition, the petitioners are seeking following reliefs:

“a.) issue a writ of mandamus or any other writ/ order/direction of the similar nature whereby directing the Respondents to grant the benefits of ACPs/MACPs Scheme to the Petitioners with effect from the elate of reporting for Basic Recruit Training;

b.) Issues writ of mandamus or any other writ/ order/ direction of the similar nature whereby directing the Respondents to upgrade the pay scale as per the benefits of ACPs/MACPs Scheme to the Petitioners with effect from the date of reporting for Basic Recruit Training;

c.) issue directions of a similar nature as issued by this Hon'ble Court, whereby this Hon'ble Court granted the benefits of the original ACPs/MACPs Scheme to the similarly situated persons

as was extended by the respondents in view of the orders made by this Hon'ble Court from time to time."

2. Being aggrieved by the Order dated 08.12.2022, the petitioners made the Representation dated 15.12.2022.

3. In response to the said representation, the respondents *vide* Communicated dated 02.01.2023 informed that the matter is already pending consideration.

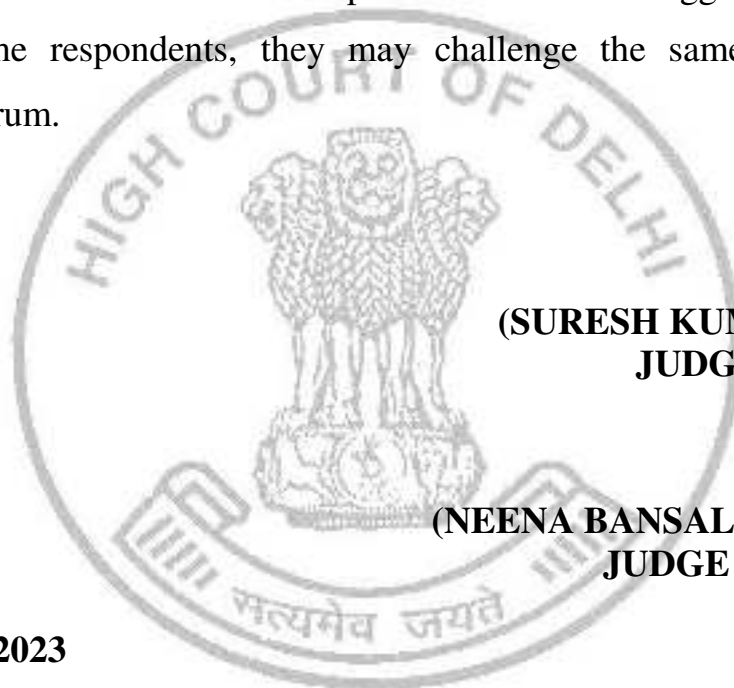
4. Accordingly, we hereby dispose of the present petition directing the respondents to decide the Representation dated 15.12.2022 within eight weeks from today, not only *qua* the petitioners herein, but also *qua* all the similarly situated persons.

5. It is made clear that the said Representation dated 15.12.2022 be decided in view of the judgements rendered by this Court, the Supreme Court and the Kerala High in the following cases:

- (i) K. Bangaru Naidu & Ors. vs. Ministry of Home Affairs and Anr. W.P.(C) 5799/2015 decided on 07.12.2015,
- (ii) Satish Kumar & Ors. vs. Ministry of Home Affairs & Anr. W.P.(C) 3461/2016 decided on 26.04.2026,
- (iii) Bablu Mallick & Anr. vs. Directorate General, Border Security Force & Ors. W.P.(C) 7011/2015, decided on
- (iv) Director General Border Security Force & Ors. vs. Bablu Mallick & Anr. SLP (C) Diary No. 581/2021 decided on 03.05.2021 by the Hon'ble Supreme Court.
- (v) Shine S. & Ors. vs. Union of India & Ors. W.P.(C) 17277/2021 decided on 23.09.2021 by the Kerala High Court.
- (vi) Director General Border Security Force & Ors. vs. Bablu

Mallick & Anr. Review Petition in SLP (C) 6738/2021 decided on 22.09.2022 by the Hon'ble Supreme Court.

6. The decision, so taken, shall be communicated to the petitioners and other similarly situated persons in writing with a reasoned order within one week thereafter.
7. Accordingly, the present petition along with pending application is disposed of.
8. Needless to state that if the petitioners are still aggrieved by the decision of the respondents, they may challenge the same before the appropriate forum.



(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

MARCH 20, 2023
S.Sharma