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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 27th April, 2023

+ W.P.(C) 5377/2023 & CM APPL. 21033/2023

BIJENDER SINGH AND ORS.

..... Petitioners

Through: Mr. Sunil Kumar & Ms. Bharti
Kandwal, Advocates.

versus

THE DIRECTOR-GENERAL

..... Respondent

Through: Mr. Atul Krishna, Advocate for
UoI.
Mr. Hemendra 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)

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

“a.) Issue a Writ of mandamus or any other appropriate Writ/Direction/Order directing the Respondents to grant the Petitioner the benefit of the first Assured Career Progression ('ACP') Scheme with effect from October, 1999, when the Petitioner had actually completed 12 years of service instead of 30th December, 2000 or till the date of promotion as Head Constable;

b.) Issue a Writ of mandamus or any other appropriate Writ/Direction/Order directing the Respondents to grant the benefit of the 2nd MACP should be granted with effect from October, 2007 (instead of 1st September, 2008), when the Petitioner completed 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 respondent to fix the pay of petitioners/retired employees and admissible pay scale 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 respondent to issue revised pension order paying arrears of pension and the arrears of pay, accordingly on the interest @12%p.a. from the due date;

e.) provide relief to all retirees/employees/members of B.S.F. in accordance with the Judgement of this Hon'ble Court dated 01/05/2019 in the case **Sunil Kumar Tyagi versus Union of India & Anr. W.P.(C) No. 3549/2018** and **Subhas Chander & ors vs UOI W.P.(C) NO. 929/2023** and without discrimination under the Scheme;

f.) direct the Respondents to implement the orders of this Hon'ble Court within time frame to be indicated to this Hon'ble Court keeping in view the old age of the retirees.”

2. Learned counsel for the petitioners submits that for the reliefs sought in the present petition, the petitioners have already made the Representation dated 10.01.2023, however, till date, no decision from the respondent has been taken.
3. Accordingly, we hereby dispose of the present petition directing the respondent to take a final decision on the Representation dated 10.01.2023 of the petitioners within eight weeks from today.
4. The decision, so taken, shall be communicated to the petitioners in writing within one week thereafter.
5. Accordingly, the present petition along with pending application is disposed of.
6. Needless to state that if the petitioners are still aggrieved by the decision of the respondent, they may challenge the same before the

appropriate forum.

**(SURESH KUMAR KAIT)
JUDGE**

**(NEENA BANSAL KRISHNA)
JUDGE**

APRIL 27, 2023
S.Sharma

