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

% *Date of decision: 02<sup>nd</sup> June, 2023*

+ **W.P.(C) 8371/2023**

**NARESH KUMAR**

..... Petitioner

Through: Mr. Vijay Kumar, Mr. Rahul Kr. Singh & Mr. Shailendra Kr. Singh, Advocates.

versus

**DIRECTORATE GENERAL BORDER OF SECURITY FORCE & ORS.**

..... Respondents

Through: Mr. Farman Ali, Sr. Panel Counsel, Ms. Avshreya Pratap Rudy & Ms. Usha Jarnal, Advocates.  
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)**

**CM APPL. 31999/2023 (Exemption)**

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. *Vide* the present petition, the petitioner is 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 date of reporting for Basic Recruit Training;*



*b.) Issue a 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."*

4. Learned counsel for the petitioner submits that for the reliefs sought in the present petition, the petitioner has made the Representation dated 16.01.2023 to the respondent No. 1/Director General, BSF, however, till date, the said Representation dated 16.01.2023 of the petitioner has not yet been decided by the respondent No. 1/Director General, BSF.

5. Accordingly, we hereby dispose of the present petition directing the respondent No. 1/Director General, BSF to take a final decision on the Representation dated 16.01.2023 of the petitioner within eight weeks from today.

6. It is made clear that the said Representation dated 16.01.2023 be decided by the respondent No. 1/Director General, BSF in view of the judgments rendered by this Court, the Supreme Court and the Kerala High in the following cases:

(i) Ravinder Kumar and Ors. vs. Union of India and Ors. W.P. (C) 3443/2023 decided on 20.03.2023.

(ii) K. Bangaru Naidu & Ors. vs. Ministry of Home Affairs and Anr. W.P.(C) 5799/2015 decided on 07.12.2015,



- (iii) Satish Kumar & Ors. vs. Ministry of Home Affairs & Anr. W.P.(C) 3461/2016 decided on 26.04.2026,
- (iv) Bablu Mallick & Anr. vs. Directorate General, Border Security Force & Ors. W.P.(C) 7011/2015, decided on
- (v) 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.
- (vi) Shine S. & Ors. vs. Union of India & Ors. W.P.(C) 17277/2021 decided on 23.09.2021 by the Kerala High Court.
- (vii) 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.

7. The decision, so taken, shall be communicated to the petitioner with a reasoned order within one thereafter.
8. Accordingly, the present petition is disposed of.
9. Needless to state that if the petitioner is still aggrieved by the decision of the respondent No. 1/Director General, BSF, he may challenge the same before the appropriate forum.

**(SURESH KUMAR KAIT)**  
**JUDGE**

**(NEENA BANSAL KRISHNA)**  
**JUDGE**

**JUNE 02, 2023**  
**S.Sharma**