



W.P.No.20849 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

W.P.No.20849 of 2015

D.P.Kumar

... Petitioner

-Vs-

1.The Union of India,
Rep. by its Secretary to Government,
Ministry of Home Affairs,
New Delhi.

2.The Director General
Central Industrial Security Force,
CGO Complex, Lodhi Road,
New Delhi-110 003.

3.The Inspector General,
Central Industrial Security Force,
Southern Sector Headquarters,
Near War Memorial,
Chennai-600 009.

4.The Inspector General
Central Industrial Security Force,
SWS Head Quarters,
RCFL, Complex,
Chembur, Mumbai-400 074.



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5.The Deputy Inspector General,
Central Industrial Security Force,
South Zone, Head Quarters,
D-Wing, Rajaji Bhawan,
Besant Nagar, Chennai-600 090.

6.The Commandant
Central Industrial Security Force Unit,
CISF Unit, FACT UDL,
Chochin, Kerala State.

7.The Deputy Commandant
Central Industrial Security Force Unit,
HPCL-VR & BP Malapuram,
Visakhapattinam-11, Andhra Pradesh.

8.The Deputy Commandant
Central Industrial Security Force Unit,
Ministry of Home Affairs,
New Mangalore Port Trust,
Panambur, Mangalore-10.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, To call for the records relating to the impugned order passed by 8th respondent dated 15.04.2015 in his Officer Memorandum No.E-27015/CISF/ NMPT/Doc/2015/848 and quash the same and to direct the respondents to grant financial up gradation under the Modified Assured Career Progression Scheme with effect from the petitioners eligibility for the 2nd and 3rd MACP w.e.f. the year 2002 and 2012



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respectively grant all consequential benefits.

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For Petitioner : M/s.A.S.Mujibur Rahman

For Respondents : M/s.V.Chandrasekaran

ORDER

The above writ petition is filed to quash the order of the 8th respondent dated 15.04.2015 and to direct the respondents to grant financial upgradation under the Modified Assured Carrier Progression (hereinafter called as the 'MACP') Scheme with effect from the petitioner's eligibility for the 2nd and 3rd MACP with effect from the years 2002 and 2012 respectively.

2. The short point involved in the above case is that the petitioner who had joined the services of the respondent in the year 1982 would claim the benefit of a Circular dated 08.01.2014 which had modified the Assured Carrier Progression (herein after called as the 'ACP') Scheme into a MACP Scheme with effect from 01.09.2008. The ACP Scheme had come into existence on 09.08.1999 which envisages the granting of two financial



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upgradations, i.e; the 1st upgradation was to be granted on completion of 12 years of service and the 2nd financial upgradation to be granted on completion of 24 years of service. The eligibility condition for sanctioning the financial upgradation were following:-

- “a) Attaining prescribed Bench Mark*
- b) Qualifying in PCC*
- c) SHAPE-I categorization”*

3. From the counter filed by the respondents, it appears that the petitioner had qualified for the 1st ACP benefit only on 30.01.2002 though he was eligible for the 1st ACP benefit on 09.08.1999. Thereafter, the MACP Scheme had come into vogue in the year 2008 and the petitioner has been immediately granted with the benefit of the 2nd MACP with effect from 01.09.2008, by order dated 13.04.2015. This was pursuant to the review of his case by the Gp. Commandant, Gp. HQ, on directions of the FHQrs dated 14.10.2014.

4. The petitioner's contention that since the Circular dated 08.01.2014 had done away with the two conditions, namely, the



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qualifying of PCC and SHAPE-I medical categorization, the benefit had to be extended to him right from the year 2002. This argument cannot be accepted since up to the year 2008, the scheme that was in vogue was the ACP and to get the benefit of the same, the conditions prescribed had to be complied with. The petitioner who had become eligible in the year 1999 had only qualified in the year 2002 and immediately he has been granted the ACP benefits. In the year 2008 when the MACP had been introduced, he has also been given the benefit of it with effect from 01.09.2008. Therefore, the grievances of the petitioner that he has to be granted the benefit of the MACP scheme from the year 2002 cannot be accepted since the scheme in vogue in the year 2002 was the ACP scheme. Therefore, the order passed by the 8th respondent dated 15.04.2015 is very much in order and I see no reason to interfere with the same.

5. Accordingly, the Writ Petition is dismissed. No costs.

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(shr)



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Index : Yes/No
Speaking / Non Speaking Order
Neutral Citation : Yes/No

To

- 1.The Chief Government Departments Auditing Officer,
Government Department Auditing Office,
Anna Salai, Chennai-2
- 2.The Chief Government Department Auditing Officer,
Kancheepuram District
Kancheepuram
- 3.The Deputy Secretary to the Government
Department of School Education,
Secretariat, Chennai
- 4.The Director
Department of Elementary Education,
DPI College Road, Chennai
- 5.The District Elementary Educational Officer,
Kancheepuram District,
Kancheepuram
- 6.The Additional Assistant Elementary Education. Officer,
Additional Assistant Elementary Educational Office
Kundrathur Block (E) Padappai
Thiruperumandhur Taluk,
Kancheepuram District.



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P.T.ASHA. J.,

(shr)

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