



2024:DHC:8221-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 22.10.2024***+ **W.P.(C) 1784/2023****ANAND SINGH PANWAR AND ORS**PetitionersThrough: **Mr. Sahil Chandra, Adv.**

versus

UNION OF INDIA & ORS.RespondentsThrough: **Mr. Sandeep Tyagi, SPC with
Ms. Shobha Tyagi, Adv.****CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE SHALINDER KAUR****NAVIN CHAWLA, J. (Oral)****CM APPL. 43733/2023**

1. This application has been filed by the applicants seeking impleadment in the present petition as petitioners.

2. For the reasons stated in the application, the same is allowed. Consequently, the amended memo of parties is taken on record.

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3. This petition has been filed by the petitioners, praying for the following reliefs:

- a. Issue a Writ, order or direction in the nature of Certiorari quashing the MHA U.O. NO. 1-45020/84/2022-PERS.II dated 29.11.2022; and/or*
- b. Issue a Writ, order or direction in the nature of Mandamus directing the*



Respondents to grant monetary benefit in replacement pay scale of the rank held by petitioners as on 01.01.1996 with effect from 01.01.1996 to 10.10.1997 with payment of interest @ 12% per annum from the date such payment became due till its realization;
c. *Pass any other/ further order(s) or direction(s) as this Hon'ble Court may deem fit and proper in the interest of justice.*

4. By the Impugned Order dated 29.11.2022, the respondent no. 1 has opined that though the Border Security Force allowed pensionary benefits to be extended to Shri Jagmail Singh (petitioner in CWP 17711/2000 before the High Court of Punjab and Haryana), rationalized/upgraded pay scales for Constables, Sub-Inspectors, and Inspectors in others cases has been applied only with prospective effect, that is, from 10.10.1997 only and not from retrospective effect, that is, from 01.01.1996. The respondent no. 1 therefore, concluded that the proposal of CRPF and ITBP for grant of notional pay fixation to Constables, Sub-Inspectors and Inspectors from a retrospective date, that is, with effect from 01.01.1996 instead of 10.10.1997, cannot be acceded to.

5. The learned counsel for the petitioners has drawn our attention to the Order dated 14.08.2024 passed by a Coordinate Bench of this Court, of which one of us (namely Hon'ble Ms. Justice Shalinder Kaur) was a part of the Bench, in W.P.(C) 1022/2023 titled ***Ajit Singh & Ors vs. Union of India & Ors.***, where, while considering a similar issue, this Court held as under:

“10. Having considered the submissions of learned counsel for the parties, we are of the view that once the Punjab and Haryana High



Court has, in **Jagmal Singh (supra,)** directed that the benefits of the replacement scale as per recommendations of the 5th CPC ought to be granted to a similar placed BSF personnel w.e.f. 01.01.1996, the respondents cannot refuse to extend the benefits to all similarly placed persons of other CAPFs. No justification has been provided by the respondents for restricting the benefits to the petitioner in the aforesaid decision. Furthermore, the benefits in terms of these directions, as admitted by the learned counsel for the respondents, have also been extended to Force personnel in another CAPF. The petitioners are therefore, justified in claiming that the benefits in terms of the recommendations of the 5th CPC are required to be extended to them from 01.01.1996, the date from which said recommendations have been made effective and also subsequently incorporated in the CCS (revised pay) Rules, 1997.

11. The writ petitions are, accordingly, allowed by directing the respondents to grant the benefit of the replacement scales as per the recommendations of the 5th CPC to the petitioners w.e.f. 01.01.1996 as against 10.10.1997. However, taking into account the delay on the part of the petitioners in approaching this Court, we direct that though the notional fixation of pay replacement scale be granted to the petitioners w.e.f. 01.01.1996, any consequential arrears on this count will be restricted to a period of three years prior to the date of filing of the respective writ petitions. The exercise in terms of this order will be carried out within a period of three months.”

6. In view of the above Judgment, the present petition is disposed of by directing the respondents to grant similar relief to the petitioners. However, in case the respondents are of the opinion that the



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petitioners, for any other reason, are not entitled to the same relief, the respondents must pass a speaking order thereon within a period of eight weeks from the receipt of copy of this Order, communicating the reasons thereof to the concerned petitioners. In that event, it shall be open to the said petitioners to challenge the Order passed by the respondents in accordance with law.

7. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

OCTOBER 22, 2024/PU/ab/SK/VS

Click here to check corrigendum, if any