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

+ **W.P.(C) 3916/2019**

P. K. SAHU

.....Petitioner

Through: **Mr. K.K. Sharma, Mr. Mohit Sharma
and Mr. Harshit Aggarwal, Advs.**

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: **Mr. Rajesh Kumar, Adv.**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

07.08.2024

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1. The petitioner has approached this Court under Article 226 of the Constitution of India with a grievance that he is drawing lesser salary than four of his juniors who he claims like him are working on the post of Sub-Inspector (GD) in the Central Reserve Police Force (CRPF). He has, therefore, prayed that his monthly basic pay be revised to Rs. 53,600/- as is being drawn by SI (GD) Madan Singh, SI (GD) Satender Pandey, SI (GD) Virender Tiwary and SI (GD) Dinesh Kumar, who he claims are junior to him.

2. In support of the petition, learned counsel for the petitioner besides urging that the petitioner's pay is required to be upgraded at par with the aforesaid four SIs, has urged that even if the petitioner was not entitled for grant of 2nd upgradation under Assured Career Progression (ACP) scheme



having not completed 24 years of service before 01.09.2008, the respondents ought to have extended the benefit of the Modified Assured Career Progression (MACP) scheme to him from the date he completed 20 years of service i.e. from 24.11.2004 and not from 01.09.2008.

3. Upon notice being issued in the petition, the respondents have filed a counter affidavit clearly setting out the details of persons with whom the petitioner has sought comparison and have furnished the reasons as to why the petitioner's pay cannot be upgraded. The respondents have further stated that since the petitioner had joined the CRPF as a Constable (GD) on 24.11.1984, he had not completed 24 years of service on 01.09.2008 when in supersession of the ACP scheme, the MACP scheme came into force.

4. Learned counsel for the respondents submits that the petitioner was rightly denied the benefit of 2nd upgradation under the ACP scheme, which was granted to SI (GD) Madan Singh and SI (GD) Satender Pandey, as he had not completed 24 years of service before 01.09.2008 on which date, the ACP scheme was superseded by the MACP scheme. He, therefore, contends that the petitioner has rightly been granted the benefit of 2nd upgradation under the MACP scheme with effect from 01.09.2008 itself.

5. Having considered the submissions of the learned counsel for the parties, we may begin by extracting herein below the tabular chart set out in the counter-affidavit, which clearly explains the reasons for the four SIs for drawing higher pay than the petitioner:



Sl. No.	Force No.	Rank	Name	Units /Office	D.O.E	Basic Pay w.e.f. 01/07/2018 (as on date)	Date of sanction of 2 nd MACP
1.	840250273	SI/ GD	Madan Singh	21 BN (GCM KG)	23/07/1984	Rs. 53,600/-	23/07/2008 (II ACP)
2.	840310328	SI/ GD	Satender Pandey	112 BN (GC SLR)	17/07/1984	Rs. 53,600/-	17/07/2008 (II ACP)
3.	841110947	SI/ GD	Virender Tiwary	GC GNR	02/11/1984	Rs. 49,000/-	01/09/2008 (II MACP)

						(now amended)	
4.	841321511	SI/ GD	Dinesh Kumar	162 BN (GC ALLD)	12/11/1984	Rs. 58,600/-	27/09/2005 (Promotion as SI/GD)

6. From a perusal of the chart, we find that in so far as SIs Madan Singh and Satender Pandey are concerned, they, having completed 24 years of service before 01.09.2008, were granted the benefit of 2nd upgradation under the ACP scheme, which benefit the petitioner as also SI Virender Tiwary could not be granted as they had not completed 24 years of service before 01.09.2008. Consequently, SI Virender Tiwary was on 01.07.2018, drawing the same basic of Rs. 49,000/- as is being drawn by the petitioner. Further, SI Dinesh Kumar though initially junior to the petitioner was granted out of turn promotion as SI on 27.09.2005 and is therefore, senior to the petitioner, who was promoted as SI only on 01.07.2011. In the light of this factual matrix, which has not been disputed by the petitioner, we find no merit in



the petitioner's plea that his pay must be upgraded or that he is being paid lesser salary than his counterparts.

7. We have also considered the petitioner's plea that even if he could not be granted benefit of 2nd upgradation under the ACP scheme, he ought to be granted the benefit of 2nd upgradation under the MACP scheme from 24.11.2004, when he completed 20 years of service but find no merit in this plea as well. The petitioner, who had joined service as a Constable (GD) on 24.11.1984 and was promoted as HC (GD) on 19.01.2001 had no doubt completed 20 years of service on 24.11.2004. However, the MACP Scheme in itself came into force w.e.f. 01.09.2008 and therefore, the petitioner could not be granted any benefit under the said scheme from a date prior to the date from which the scheme came into force.

8. For the aforesaid reason, we find no reason in the writ petition, which is accordingly dismissed.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 7, 2024

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