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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9604/2020

MAHESH SINGH AND ORS

..... Petitioner

Through: Mr. Ankur Chhibber, Adv.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,
Mr. Alexander Mathai Paikaday,
Mr.M. Sriram and Mr. Krishnan V.,
Advocates for UOI

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

26.02.2024

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1. This petition has been filed by the petitioner with the following prayers:-

“(i) Issue of Writ of a Mandamus directing the Respondents to grant the Petitioners pay parity with their counter parts in ITBP and CRPF by fixation of the entry level pay of the Petitioners in the rank of Sub Inspector with Pay scale of Rs.5500-175-9000 i.e. in the Grade pay of Rs.4200 from the date of their appointment accordingly along with arrears and all consequential benefits’;

(ii) Issues of Writ of a Mandamus directing the Respondents to grant the benefit as granted by the Hon'ble J&K High Court in LPA SW No.228/2002 vide judgment dated 12.08.2015;

(iii) Issues of Writ of a Mandamus directing the Respondents grant the petitioner the same relief as granted to CRPF personnel in Civil Appeal No.25 of 2008, vide order dated 04.01.2008; and

(iv) Pass any such orders as the Hon'ble Court may deem fit in the light of above mentioned facts and circumstances of the



case.”

2. In effect, the petitioners are working in BSF are seeking pay parity and parity with regard to entry level in the cadre of Pharmacist with their counterparts in ITBP and CRPF.

3. Mr. Ankur Chhibber would submit that the High Court of Jammu & Kashmir at Jammu has granted the said parity to the personnel working in CRPF qua their counterparts in ITBP, and the said judgment has attained finality till the Supreme Court.

4. Though pleadings are complete, Mr. Harish Vaidyanathan Shankar by drawing our attention to a proposal of the year 2018 would submit that the same is pending consideration before the Ministry of Home Affairs.

5. The fact that the proposal is pending w.e.f., 2018, we direct that the said proposal shall be decided by the Ministry of Home Affairs within 16 weeks as an outer limit by considering the judgment of the ***Naresh Kumar & Ors. v. Union of India & Ors., SWP No. 186/1998, decided on April 19, 2001.***

6. It goes without saying, if the petitioners are aggrieved by the decision taken by the Ministry of Home Affairs, they are at liberty to seek such remedy as available in law.

7. Petition disposed of.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 26, 2024/ds