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

+ **CONT.CAS(C) 1668/2023 & CM APPL. 58897/2023**

JASWANT SINGH

..... Petitioner

Through: Mr. Nasib Masih, Advocate
versus

AJAY KUMAR BHALLA & ANR.

..... Respondents

Through: Mr. Neeraj, SPC with Mr. Vedansh Anand, Govt. Pleader, Mr. Rudra Paliwal, Mr. Mahesh Kr. Rathore, Mr. Sanjay Pal, Advocates for UOI (M:8700015764)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

24.05.2024

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1. The present petition has been filed alleging willful disobedience of the order dated 01st October, 2020 passed by the Division Bench of this Court in *W.P.(C) 7128/2020*, wherein, directions had been issued to the respondents to consider the case of the petitioner for providing benefits of second financial upgradation under ACP or MACP Scheme to the petitioner, within a period of 12 weeks from the date of order.
2. The present petition has been filed alleging that the aforesaid directions have not been complied with by the respondents.
3. This Court notes that a status/reply affidavit has been filed on behalf of the respondents, wherein, it is stated as under:

*"2. That the said Writ Petition No. 7128/2020 was listed before the Hon'ble High Court of Delhi on 01/10/2020 and disposed of with direction to the respondents No.1 and 2 CRPF to, within eight weeks thereof, consider the case of each of the petitioners viz-a-viz the petitioners in W.P.(C) 1716/2020 titled **Satish Kumar & Ors. Vs***



Union of India & Ors decided on 14th February 2020, and if the petitioners or any of them are found entitled to be covered by the judgment, to grant to the petitioners or such of them who are found to be so covered, the same relief as granted in **Satish Kumar supra** i.e. of grant of first financial upgradation under the ACP Scheme from the date the petitioners or each of the petitioners completed 12 years of service and in the pay-scale of Sub-Inspector and to grant the benefit of second financial upgradation under the MACP Scheme, from the date of completion of 20 years of regular service, in the pay scale of Inspector, with arrears being paid within a period of 12 weeks from today. If on examination of the cases, the petitioners or any of the petitioners are not found entitled to be covered by the judgment in **Satish Kumar supra**, the respondents No.1 and 2 CRPF, to within eight weeks aforesaid, inform the petitioners or such of them who are not found entitled to the relief, the reasons in writing therefor and with respect thereto the petitioners or such of them who are not so determined by the respondents No.1 and 2 CRPF, to be covered by the said judgment, shall have remedies in accordance with law.

3. That it is relevant to submit that 05(five) similarly situated matters including the judgment dated 14th February 2020 in W.P.(C) 1716/2020 titled **Satish Kumar & Ors. Vs Union of India & Ors**, SLPs have been filed by UOI/Department to assail the impugned Court orders, which are presently sub-judice before the Hon'ble Apex Court.

4. That, the SLP No.15150/2020 titled "**UOI & Ors Vs Satish Kumar & Ors.**" was listed on 11.01.2021 wherein the Hon'ble Apex Court has issued notice on the special leave petition as well as on the prayer for interim relief and in the meantime, stayed the contempt proceedings (**Copy of the Hon'ble Apex Court order dated 11.01.2021 in SLP No.15150/2020 is annexed in Annexure-R/1**).

6. Further, it is noteworthy that, speaking orders on the subject matter have already been issued by the concerned H.O.Os of the petitioners in WPC No.7128/2020 and copy of the speaking/reasoned orders have already been provided to the petitioners. Copy of the Speaking orders dated 06/12/2023, 07/12/2023, 18/12/2023, 22/12/2023 and 29/12/2023 issued by the concerned HOOs. of the petitioners are annexed as Annexure R/2 (Colly).

PRAYERS

It is humbly submitted that the respondents have the highest regard to the judgment of the Hon'ble Court and since the Hon'ble Supreme Court vide order dated 11.01.2021 in SLP No.15150/2020 has granted stay on the judgment dated 14th February 2020 in W.P.(C) 1716/2020



*titled **Satish Kumar & Ors. Vs Union of India & Ors**, reliance upon which this Hon'ble Court has issued order dated 01/10/2020 in Writ Petition No. 7128/2020, it is therefore, requested to permit the answering respondents to take further action after the decision of the Hon'ble Supreme Court in the similar matters.*
xxx xxx xxx''

4. Perusal of the aforesaid Status Report, filed on behalf of the respondents, manifests that Supreme Court, vide order dated 11th January, 2021, in SLP No. 15150/2020, has granted a stay in the judgment dated 14th February, 2020 in W.P.(C) 1716/2020, titled as **Satish Kumar & Ors. Vs Union of India & Ors**. It is relevant to note that the aforesaid judgment dated 14th February, 2020, has been relied upon by the Division Bench, while passing the order dated 01st October, 2020 passed in W.P.(C) 7128/2020, for compliance of which, the present petition has been filed.
5. Mr. Nasib Masih, learned counsel for the petitioner confirms the fact that Supreme Court has granted a stay and the said stay still continues.
6. Considering the aforesaid, it is clear that no further orders can be passed in the present proceedings for the time being.
7. Accordingly, the present petition is disposed of, with liberty to the petitioner to revive the present proceedings, subject to any order that may be passed by the Supreme Court.

MINI PUSHKARNA, J

MAY 24, 2024

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