



W.P.No.40022 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2025

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.40022 of 2016

and

WMP.No.34082 of 2016

S.Balakrishnan

...Petitioner

Vs.

1.The Union of India
Rep.by the Secretary
Ministry of Home Affairs
New Delhi.

2.The Director General
Central Industrial Security Force
CISF Headquarters, Block No.13
CGO Complex, Lodhi Road
New Delhi.

3.The Deputy Inspector General (Personnel)
CISF Headquarters
Block No.13, CGO Complex
Lodhi Road, New Delhi.

4.The Commandant
CISF Unit, 6th Reserve Battallion
Arakkonam.

5.The Deputy Commandant
CISF Unit, NRL
Numaligarh, Assam State.

...Respondents



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Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari-fied Mandamus, to call for the records relating to the impugned order passed by the 5th respondent dated 03.08.2016 in his Order No.E-36099/51/CISF/NRL(N)/Doc/MACP/2016/1057 and quash the same and to direct the respondents to grant financial upgradation under the Assured Career Progression Scheme with effect from the petitioner eligibility and grant all consequential benefits.

For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents : Mr.K.Srinivasa Murthy for R1 to R5
Senior Panel Counsel

ORDER

The challenge in this writ petition is to the order dated 03.08.2016 issued by the fifth respondent, by which the petitioner's claim for grant of financial upgradation under the ACP/MACP Scheme for the years 2005, 2006, 2007, 2008, 2009, 2010, 2011, and 2012 came to be rejected.

2. The petitioner was appointed as a Constable in the Central Industrial Security Force (CISF) on 31.12.1988 and claims to have completed 20 years of service, thereby asserting entitlement to financial upgradation under the ACP/MACP Scheme. However, the petitioner was granted financial upgradation only from the year 2013 onwards and not for the earlier period claimed.

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3. Mr.A.S.Mujibur Rahman, learned counsel appearing for the petitioner, submitted that the Hon'ble Supreme Court, in Union of India and Others v. Ex. HC/GD Virender Singh, has held that fulfilment of promotional norms cannot be insisted upon for grant of financial upgradation under the ACP/MACP Scheme. Therefore, the denial of financial upgradation on the ground of non-fulfilment of pre-promotional norms is arbitrary and discriminatory. He further submitted that the Hon'ble Supreme Court, in Civil Appeal No. 6727 of 2009, directed grant of financial upgradation under the ACP Scheme from the date of eligibility and, therefore, the petitioner is entitled to financial upgradation immediately upon completion of 12 years of service.

4. Per contra, Mr.K.Srinivasa Murthy, learned Senior Panel Counsel for the respondents, submitted that one of the essential prerequisites for grant of financial upgradation is that the employee must be eligible for promotion to the next higher cadre and must not have any pending departmental enquiry or punishment. In the present case, the petitioner had not completed the pre-promotional course and completed the same only on 26.11.2004. Further, as on the date of completion of 12 years of service, a departmental enquiry was pending or punishment had been imposed on the petitioner. Therefore, the

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petitioner was not eligible for financial upgradation prior to 2013, and the claim is not permissible in law.

5. The submissions of the learned counsel on either side and the materials placed on record have been carefully considered.

6. Admittedly, this is not a case where the petitioner was prevented from undergoing the pre-promotional course for administrative or other reasons. On the contrary, the non-completion of the pre-promotional course was attributable to the petitioner's own unwillingness. Therefore, the judgment of the Hon'ble Supreme Court in Union of India and Others v. Ex. HC/GD Virender Singh is inapplicable to the facts of the present case. Even in the other decision relied upon by the petitioner, the direction to grant financial upgradation was subject to fulfilment of eligibility criteria. In the present case, the petitioner had not satisfied the eligibility conditions, and moreover, as on the completion of 12 years of service, a departmental enquiry was pending or punishment had been imposed. Consequently, financial upgradation was rightly denied at that stage and was granted only after the petitioner fulfilled the eligibility criteria, namely in the year 2013. Hence, the impugned order does not suffer from any illegality or infirmity.



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7. Accordingly, the writ petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

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Index : Yes/No
Speaking order : Yes/No
dna

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