

W.P.No.7245 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 26.09.2025

CORAM

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

W.P.No.7245 of 2014

M.Chakaravarthy,
S/o.A.Manikkam,
Head Constable No.822220028,
Working at CISF Unit,
VSP, Visakhapattinam,
Now residing at No.3/10, Pari Street,
Vandimedu,
Villupuram – 605 602.

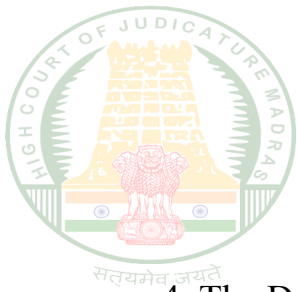
... Petitioner

/versus/

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 Inspector General/Southern Sector,
CISF, Southern Sector, Headquarters,
War Memorial, Ch.P.T,
Chennai – 600 009.



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4. The Deputy Inspector General,
Central Industrial Security Force,
South Zone, D-Block,
Rajaji Bhawan,
Besant Nagar, Chennai – 600 090.

5. The Senior Commandant,
Central Industrial Security Force Unit VSP Vizag,
Vishakapattinam – 31 (AP) ... Respondents

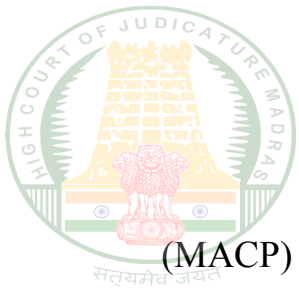
Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus to call for the records relating to the other passed by the 5th respondent in his letter No.31014/VSP/CISF/Office/12/8820 dated 09.10.2012 and the consequential letter No.31014/VSP/CISF/Office/13/51 dated 02.01.2013 and quash the same and to direct the respondents to grant financial upgradation under the Modified Assured Career Progression Scheme with effect from 2006 to the petitioner's eligibility and grant all consequential benefits.

For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents : Mr.Venkataswamy Babu, for R1
Sr.Panel Counsel
: No appearance, for R2 to R4

ORDER

The writ petitioner joined service in CSIF on 10.03.1982 as Constable. He was granted the benefit of Modified Assured Career Progression



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(MACP) on 09.08.1999 pursuant to the introduction of the ACP scheme.

However, on completion of further 12 years of service, 2nd financial upgradation was not given to him immediately since he was found unfit. Later, his case was considered for the grant of the 2nd financial upgradation under the new Modified Assured Career Progression scheme, which came into effect 01.09.2008. He was granted 2nd MACP with effect from 15.03.2011.

2. The petitioner contends that soon after completion of his 24 years of service, he should have been granted the 2nd MACP. He has given a representation to Senior Commandant claiming that his ACP to be considered as per the scheme and on completion of his 24 years of service. This has been declined, stating that the record indicates that he was not eligible for 3rd ACP before completing of 12 years and his 2nd ACP was given only with effect from 15.03.2011 and the delay in conferment is due to his non-qualification and having found not yet fit for consideration to confer 3rd MACP financial benefit.

3. The petitioner's further representation was also been considered and detailed rejection order passed on 02.01.2013. Being aggrieved, the present writ petition is filed, seeking writ of certiorarified mandamus to quash the

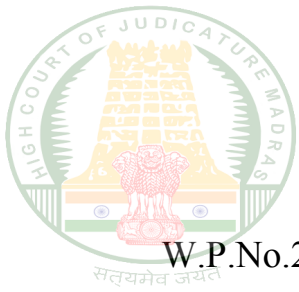


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rejection order and to direct the respondents to grant financial upgradation under the Modified Assured Career Progression scheme with effect from 2006.

4. The Learned Counsel appearing for the petitioner contended that the petitioner joined as Constable in C.I.S.F in the year 1982. The Modified Assured Career Progression (MACP) Scheme came into effect from 1999. As per the scheme, on completion of 12, 24 and 36 years of service in a particular grade, the financial upgradation is to be conferred. Whereas, the 2nd financial upgradation for the petitioner herein was unreasonably delayed stating that he was unfit and not attended the Promotion Cadre Course (PCC) or not eligible since he failed in PCC Paper-III. This delay in granting the 2nd financial upgradation has a cascading effect preventing him from receiving the 3rd financial upgradation.

5. In support of his submission, the Learned Counsel relied upon the judgment of the Hon'ble Supreme Court *Union of India & others vs. Ex.HC/GD Virender Singh*, in SLP (Civil) No.16442 of 2021, decided on 22.08.2022 and also relied upon the decision of the Learned Single Judge of this Court in *Patan Sahebjan vs. The Union of India and others* in



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6. The Learned Counsel for the respondents relying upon the counter submitted that the petitioner herein was found unfit for considering the 2nd MACP and this has been clearly explained to the writ petitioner when he made his representations dated 05.10.2012 and 12.12.2012. Having not found eligible for the MACP, since he has failed in PCC examination, there was delay in 1059 days for him to get himself qualified and get eligible for considering of 2nd financial upgradation. As per the scheme, if the financial upgradation is deferred and not granted on completion of the prescribed period due to an employee being unfit or due to departmental proceedings, that delay will have a consequential effect on the subsequent financial upgradations.

7. In this case also, since there was deferment of his 2nd MACP financial upgradation been unfit, the conferment of financial upgradation is delayed and the petitioner cannot claim for financial upgradation without being qualified.



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8. It is a case of Constable who joined in the year 1982, when he joined, there was no MACP scheme and the same was introduced only in the year 1999. He was considered and granted for the 1st financial upgradation immediately after he was found eligible. While considering the 2nd financial upgradation, (i.e., after completion of further 12 years), it was found that:

- In 2005, he did not attend for the Pre-Promotional Course (PCC).
- In 2007, he failed PCC Paper-III,
- In 2009, he had failed in the service records.
- Till 2010, he has not cleared the Pre-Promotional Course.

Therefore, conferment of the 2nd financial upgradation to the petitioner been delayed by 1059 days. Thereafter, he has been conferred with 2nd financial upgradation.

9. The judgment cited by the Learned Counsel for the petitioner is in respect of granting relaxation in cases where, an employee for administrative reason or other reasons, could not be sent for participation in pre-promotional course (PCC).



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10. In this case, it is not that the writ petitioner was not sent for Pre-promotional Course due to administrative or other reasons, he had participated in the examination but failed. This failure directly impacts his eligibility for considering financial up gradation under the MACP Scheme.

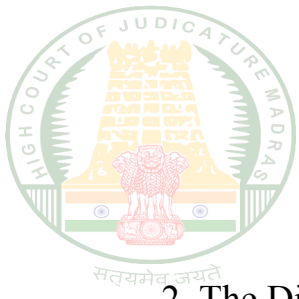
11. Therefore, this Court finds that the petitioner herein, who had not qualified himself for consideration of conferring financial upgradation based on his length of service, cannot claim a right to seek for certiorarified mandamus.

12. As a result, this Writ Petition is dismissed. There shall be no orders as to costs.

26.09.2025

Index :Yes/No.
Internet :Yes/No.
Neutral Citation :Yes/No.
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To,
1. The Secretary,
The Union of India,
Ministry of Home Affairs,
New Delhi.



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Dr.G.JAYACHANDRAN, J.

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