



2025:DHC:560-DB



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

Date of decision: 30.01.2025

+ **W.P.(C) 8085/2022**

RAJBIR SINGH SIHMAR AND ORSPetitioners

Through: Mr. Ankur Chhibber, Mr.
Anshuman Mehrotra and Mr.
Nikunj Arora, Advs.

versus

UNION OF INDIA AND ORSRespondents

Through: Mr. Jitesh Vikram Srivastava,
SPC with Mr. Dipanshu
Sharma, Adv. with SI/GD Shiv
Kr. Singh and ASI/GD Sanjiv
Kr. Singh, C.R.P.F.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioners, praying the following reliefs:

- “i. Issue a Writ of Certiorari for quashing of the orders dated 19.07.2021, 15.09.2021, 24.09.2021 and 18.01.2022 whereby the Respondents have rejected the request of the Petitioners for grant of Senior Time Scale on ground that they did not fulfill the 04 years’ service criteria in the Junior Time Scale, therefore, they were not entitled to the said benefit; and*
- ii. Issue a Writ of Mandamus directing the Respondents to grant the Senior Time Scale*



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from the due dates to the petitioners on completion of 04 years of regular service in the junior time scale i.e. the grade of Assistant Commandant (Ministerial) in terms of the OM dated 04.04.2001 and 06.05.2002 by virtue of which the grant of Senior Time Scale is regulated and consequently issue fresh PPO orders in respect of the Petitioners, with all consequential benefits.”

2. The learned counsel for the petitioners submits that the issue raised in the present petition is no longer *res integra* and has been adjudicated upon by this Court *vide* its Judgment dated 19.12.2024 passed in W.P.(C) 6714/2023 titled ***Jai Singh Saharan & Ors. v. Union of India & Ors.***, 2024: DHC: 9808-DB.

3. Having perused the Judgment and the contents of the petition, we find that the above Judgment squarely applies to the facts of the present case as well.

4. In the present case, the petitioners had superannuated on attaining the age of 57 years. Pursuant to the Judgment of this Court in ***Dev Sharma v. Indo Tibetan Border Police and Ors.***, 2019: DHC: 634-DB, which was upheld by the Supreme Court by way of an Order dated 10.05.2019 passed in SLP(C) No. 11944/2019, the Review being dismissed by the Supreme Court on 16.07.2019, the Ministry of Home Affairs (MHA) by an Order dated 19.08.2019 increased the age of superannuation for the regular cadre of Para Military Forces, including Central Reserve Police Force (CRPF) to 60 years. Post the Order of the MHA, the petitioners have been granted notional increment and consequential revision of pension treating them to have served till they attained the age of 60 years.



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5. The petitioners, however, have been denied the benefit of Senior Time Scale on the ground that they have not completed four years of regular service. This Court in **Jai Singh Saharan** (supra), considering the above objection of the respondents, has held as under:

“31. In implementation of the order passed in Mahesh Chand (supra), the MHA issued an Office Order dated 27.01.2021, extending the benefit of the Judgment in Dev Sharma (supra) to all the officials who had retired or superannuated on attaining the age of 57 years on or after 31.01.2016. The petitioners were accordingly granted the benefit by giving them the three annual increments which they would have otherwise earned if they had remained in service and not superannuated upon attaining the age of 57 years. Once the respondents have themselves, in terms of the Judgment of this Court in Dev Sharma (supra) read with the Judgment of of this Court in Mahesh Chand (supra), extended to the petitioners the increments that would have been earned by the petitioners had they served till the age of 60 years, by treating the petitioners to have been in service till the age of 60 years, the respondents now cannot plead that the other consequential benefits emanating from the extension of service, including the MACP, will not be granted to the petitioners.

32. The benefit under the MACP, in terms of the Scheme notified vide Office Memorandum dated 19.05.2009, is extended on the completion of 10, 20, and 30 years of service, respectively. Where officials had completed the above stated period between the ages of 57 years and 60 years, however, they superannuated at the age of 57 years in accordance with the then prevailing provisions, which have since been declared discriminatory by this Court in its Judgment in Dev Sharma (supra), and were consequently



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not allowed to complete 10/20/30 years of service, then in terms of the above referred judgments and as a consequential relief, such officials would be deemed to have continued in service, thereby entitling them to the grant of the benefit under the MACP Scheme by presuming that the officials completed such service of 10/20/30 years due to the extension of the age of their superannuation to the age of 60 years. Denying such benefit to the petitioners and similarly situated officials would be to give only a partial relief in the implementation of the above referred judgments, by creating an artificial distinction, that is, while the benefit of grant of increments is extended to such officials, however, at the same time, the benefit of the MACP Scheme is denied. The same cannot be sustained.

33. Accordingly, we allow the present petition and direct the respondents to place the case of the petitioners before a Screening Committee appointed for evaluating the claim of the officials for the MACP, which would consider the case of the petitioners by treating them to have remained in 'regular service' till they attained the age of 60 years, and accordingly process their claims for the grant of the benefit of the 3rd financial upgradation in accordance with the MACP Scheme."

6. Accordingly, we allow the present petition by directing the respondents to consider the case of the petitioners as having superannuated at the age of 60 years and by treating the intervening period from 57 years to 60 years as period spent on regular service. In case, the petitioners are found entitled to the grant of the Senior Time Scale, the relief in that regard be released to the petitioners and their pension be accordingly modified with a retrospective effect. We make it clear that the grant of the Senior Time Scale shall only be notional for the purposes of calculating the pension of the petitioners and the



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petitioners shall not be entitled to any extra pay because of our Order. The exercise in terms of this Order be carried out within a period of twelve weeks from today.

7. The petition is allowed in the above terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 30, 2025/sds/FRK/IK

[Click here to check corrigendum, if any](#)