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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5993/2025**
UNION OF INDIA & ANR.Petitioners
Through: **Mr.Himanshu Pathak, SPC with**
Mr.Amit Singh, Adv.
versus
JOGINDER SINGH & ANR.Respondents
Through: **None**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

ORDER

% **06.05.2025**
CM APPL. 27458/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 5993/2025 & CM APPL. 27457/2025

2. This petition has been filed by the petitioner, challenging the Order dated 12.01.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'Tribunal') in O.A. No.976/2017, titled ***Joginder Singh & Anr. v. Union of India & Anr.***, allowing the said O.A. filed by the respondents herein with the following direction:

“18. In the circumstances, the O.A. is allowed and the impugned order dated 21.12.2016 is quashed. It is directed that the second financial upgradation granted on 09.08.1999 in the pay scale of Rs.3050-4590 (pay scale to the post of Security Supervisor) should be treated as first financial upgradation as ACP Scheme. As the applicants have already completed 24 years of service as on 01.01.2006, they should be granted second financial upgradation under ACP Scheme in next promotional post, i.e., Deputy Security Officer in the Grade Pay of Rs-4200/- w.e.f. 01.01.2006. Since they had



already completed 30 years of service before introduction of MACP Scheme w.e.f. 01.09.2008, the applicants are entitled third financial upgradation in the Grade Pay of Rs.4600/-, i.e., next Grade Pay. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order.”

3. The limited submission of the learned counsel for the petitioners in challenge to the Impugned Order is that the learned Tribunal has erred in placing reliance on the ‘Frequently Asked Questions (FAQs) on the Modified Assured Career Progression Scheme’, which was issued in the year 2012, without appreciating that the respondents herein had retired even prior thereto.

4. It is not disputed that the Modified Assured Career Progression Scheme was enforced with effect from 01.09.2008, that is, prior to the retirement of the respondents. The FAQs mentioned hereinabove are clarificatory in nature and state that where there is a merger of the Pay Scales, the promotion granted from one post to the other post of these merged posts shall be ignored for the purpose of the grant of benefit of the ACP and the MACP. Being clarificatory in nature, it would apply from the date when the Scheme came into operation. Merely because the respondents had, in the meantime, retired, would not be a ground to deny them this benefit.

5. Accordingly, we find no merit in the present petition. The same along with the pending application is dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 6, 2025/sg/DG

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