



2025:DHC:4385-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 26.05.2025

+ W.P.(C) 7290/2025

UNION OF INDIA & ORS.

.....Petitioners

Through: Mr. Balendu Shekhar, CGSC
with Mr. Rajkumar Maurya and
Mr. Krishna Chaitanya,
Advocates.

versus

DARSHAN LAL

.....Respondent

Through: Mr. S.K. Gupta and Mr. Udit
Gupta, Advocates.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CAV 205/2025

1. Mr. S.K. Gupta, learned counsel enters appearance on behalf of the respondent, on advance notice.
2. In view of the same, the caveat stands discharged.

CM APPLs. 32816-17/2025 (Exemption)

3. Allowed, subject to all just exceptions.

W.P.(C) 7290/2025 & CM APPLs. 32815/2025, 32818/2025

4. This petition has been filed challenging the Order dated 24.09.2024 passed by the learned Central Administrative Tribunal (PB), New Delhi (hereinafter referred to as 'Tribunal') in O.A. No. 2047/2018, titled *Sh. Darshan Lal v. Union of India & Ors.*, allowing



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the O.A. filed by the respondent herein, and directing that his pay fixation shall not be disturbed and no recovery shall be made from him.

5. Giving a brief background of the facts in which the present petition arises, the respondent was appointed as a Lower Division Clerk in the Government of India Press, Faridabad, in the Pay Scale of Rs. 260-400/- on 01.02.1983. He was then promoted to the post of Hindi Translator in the Pay Scale of Rs. 5,000-8,000/- (Revised Pay Scale: Rs. 9,300-34,800 + GP 4,200/-) on 23.01.1998. He was given the second ACP benefit on 01.02.2007, placing him in the Pay Scale of a Hindi Officer of Rs. 6,500-10,500/- (Revised Pay Scale: 9,300-34,800 + GP 4,600/-).

6. By an Office Order dated 14.01.2011, the post of Hindi Officer was re-designated as Assistant Director (Official Language), which corresponded to the pre-revised Pay Scale of Rs. 8,000-13,500 and a Grade Pay of Rs. 5,400/-.

7. He was then promoted as an Assistant Director (Official Language) in the Pay Scale of Rs. 15,600-39,100 + GP 5400/- on 28.01.2011. The petitioners considered this as the second promotion granted to the respondent.

8. The respondent was then granted the benefit of the third MACP with effect from 01.02.2013, on completion of 30 years of service. While granting such benefit, the following clarification was given:



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Name & designation /G.I.P,	Initial appointment	Date of 1 st promotion	Date of 2 nd financial upgradation under ACPS	Date of 2 nd promotion	Entitlement of 3 rd financial upgradation under MACPS
(1)	(2)	(3)	(4)	(5)	(6)
Shri Darshan Lal, Assistant Director (OL), G.I.P, Ring Road, Mayapuri, New Delhi	01-02-1983 As L.D.C Pay Scale: Rs.260-400	Hindi Translator w.e.f. 23-01-1998 Rs. 5000-8000/-	2 nd ACP w.e.f. 01-02-2007 Rs.15600-39100/- with GP Rs. 5400/-	Assistant Director (Official Language) w.e.f. 08-02-2011, Pay Band-3 (Rs. 15600-39100 + Grade Pay-5400) (Adjusted against 2 nd ACP)	w.e.f. 01-02-2013 Rs. 15600-39100/- with GP Rs. 6600/-

9. Claiming that the said benefit was wrongly granted to the respondent, and placing reliance on Clarification No. 56 issued by the Principal Accounts Office (T&C Section) vide letter dated 29.04.2016, the petitioners intimated to the respondent, vide a letter dated 16.04.2018, that the above benefit had been wrongly granted to him. The respondent challenged the same before the learned Tribunal by way of the above O.A., which has been allowed by the Impugned Order.

10. In challenge to the above Order, the learned counsel for the petitioners submits that the learned Tribunal has failed to appreciate that the respondent was granted the first promotion on 23.01.1998,



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second ACP upgradation on 01.02.2007, and then a promotion on 28.01.2011, therefore, he was not entitled to any further benefit under the MACP Scheme.

11. He further submits that the Department of Indian Press (DIP) is a part of the Ministry of Urban Development, which, in terms of the Central Secretariat Official Language Service (Group 'A' and 'B' posts) Rules, 2006 has a cadre of Grade I (Director), Grade III (Deputy Director), Grade IV (Assistant Director), Grade V (Senior Translator) and Grade VI (Junior Translator), whereas, in the cadre of the Government of India Press, there was no post of Grade IV (Assistant Director). He submits that therefore, by mere re-designation of the post, the respondent cannot deny the benefit of a promotion which has been granted to him.

12. On the other hand, the learned counsel for the respondent who appears on an advance notice of this petition, submits that the learned Tribunal has rightly considered the facts of the case and has found that the respondent was rightly granted the benefit of the third MACP. He submits that by the Office Order dated 14.01.2011, the post of Hindi Officer was re-designated as Assistant Director, and this cannot be counted as a promotion.

13. Equally, the respondent had been granted the benefit of the second ACP by placing him in the same Pay Scale on which he had been granted the first promotion, that is, in the Pay Scale of Rs. 6,500-10,500, therefore, this also could not be counted.

14. We have considered the submissions made by the learned



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counsels for the parties.

15. It is not disputed before us that by the Office Order dated 14.01.2011, the post of Hindi Officer was merely re-designated as Assistant Director in the same Pay Scale. The same, therefore, in terms of the Office Order dated 14.01.2011 cannot be treated as a promotion.

16. The learned Tribunal has therefore, in our view, correctly appreciated the facts of the case in passing the Impugned Order. We, therefore, see no reason to interfere with the same.

17. The Writ Petition is, accordingly, dismissed. Pending applications are also disposed of. The petitioner shall comply with the direction issued by the learned Tribunal within a period of 8 weeks.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 26, 2025

Sc/sm/ik

Click here to check corrigendum, if any