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

+ **W.P.(C) 8947/2019**

SURESH KUMAR CHANDEL

.....Petitioner

Through: Mr. K. K. Sharma & Mr. Mohit
Sharma , Mr. Harshit Aggarwal and
Mr. Tushar Batra, Advocates

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Vikrant N Goyal, Mr. Arun
Kumar Yadav, Mr. Rakshit Tyagi,
Advocates
Inspector Athurv CRPF, Mr.
Ramniwas Yadav, CRPF

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

ORDER

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18.08.2025

1. The Petitioner has approached this Court by filing a Writ Petition under Article 226 read with Article 227 of the Constitution of India with the following prayers:-

“(a) To call the service book record of the petitioner namely Suresh Kumar Chandel Force No. 850831482 with details of pay fixation of the petitioner from his joining to till date and also the service record and pay fixation details from joining to till date of juniors and similarly placed personnel such as Force No. 851260149 namely Raja Kurnar Sahoo 86 Force No. 851311339 namely Manya Kumar Dey so that basic pay anomaly may kindly be verified;

(b) To direct the respondents to fix/correct the basic pay scale of the Petitioner @ Rs. 50500/- p.m. alike to the juniors and similarly placed personnel;



(c) To direct the respondents to give the arrears to the petitioner after re-fixation of his basic pay scale from the date since when the basic pay has been fixed wrongly by the respondents along with subsequent benefits arising there from;

(d) Any other relief/order/direction as the Hon'ble Court may deem fit and proper."

2. The Petitioner had been appointed on the post of Constable/GD in CRPF on 26.06.1985 and had completed 12 years of his regular service with the CRPF on 26.06.1997.

3. The 5th Central Pay Commission was introduced in the year 1999, Government of India (MHA) vide Letter No. 35034/1/97-Estt. (D) dated 09.08.1999 introduced two benefits under the Assured Career Progression Scheme (ACP Scheme) in order to avoid stagnation in service. As per the ACP Scheme those who had rendered 12 years of service and had earned no promotion, subject to fitness, would be entitled to the first financial upgradation and upon completion of 24 years service, if no second promotion was earned, subject to fitness, would be entitled to the second financial upgradation.

4. The Petitioner was promoted to the post of Head Constable on 21.08.2001 and received both the financial upgradation.

5. The ACP Scheme was discontinued in the year 2008 and a new Scheme was introduced on 01.09.2008 by the name of Modified Assured Career Progression (MACP Scheme).

6. The Petitioner was promoted to the rank of Assistant Sub Inspector in the year 2012.

7. It is the case of the Petitioner that certain financial benefits which have been given to the other similarly placed persons have not been given to him and to substantiate this contention, he has filed Pay Slips of two



personnel, namely, Raja Kumar Sahoo & Manya Kumar Dey who were getting a higher basic pay of Rs. 50,500/- p.m., when the Petitioner was getting a basic pay of Rs. 47,600/- p.m.

8. Counter has been filed by the learned Counsel for the Respondents, wherein Paragraph No.18 explains the stand of the Respondents. The same is being reproduced in its entirety:-

“18. That the contents of paragraph 18 are wrong and denied, under reply it is stated that as per clarification issued by the DIG (Estt) Dte.CRPF, New Delhi vide signal No. P.VII-52/2015-Estt dated 27/02/2015, if a Govt. Servant has been granted either two regular promotions or 2nd financial up-gradation under ACP scheme of Aug, 1999 after completion of 24 years of regular service then only 3rd financial up-gradation would be admissible to him under MACP Scheme on completion of 30 years of regular service, provided that he has not earned 3rd promotion in hierarchy. That means those who got either two regular promotion or granted 2nd ACP benefits before completion of 30 years of regular service are eligible for 3rd MACP benefits in the next higher Grade Pay on completion of 30 years of regular service. Example already illustrated in Estt. Dte. Letter No. P.VII-52/2011-Estt dated 17/03/2011 pertains to an SI/GD who earned 2nd promotion as SI within 30 years of service and hence he is eligible for 3rd MACP benefits in the Grade Pay of Rs. 4600/- on completion of 30 years of service. In view of above instructions quoted ibid, plea submitted by the petitioner is not in logical as his juniors (i.e. No. 851260149 SI/GD Raja Kumar Sahoo of 38 Bn and No. 851311339 SI/GD Mayna Kumar Dey of 115 Bn) were got 2nd promotion as Sub Inspector within 30 years of service and they were granted 3rd MACP benefits in the Grade Pay of Rs. 4600/-, whereas, petitioner was got 2nd promotion as Assistant Sub Inspector within 30 years of service and 3rd promotion got as Sub Inspector after 30 years of service, due to said reasons, petitioner was granted 3rd MACP in the Grade Pay of Rs. 4200/- instead of Rs



4600/-. Besides this, it is also submitted that pay fixation in respect of juniors of petitioner as reflected in his application, are also not fixed in accordance with the clarifications published in Swamynews for the month of June, 2009, in which, it was illustrated that "In case a Govt. servant joins as direct recruit in the grade pay of Rs. 1900/- in PB-I (Rs. 5200-20200) and he gets no promotion till completion of 10 years of service, he will be granted financial up-gradation under MACP Scheme in the next higher grade pay of Rs. 2000/- and his pay will be fixed by granting him one increment plus the difference of Grade Pay (i.e. 100/-). After availing financial up-gradation under MACP Scheme, if the Govt. Servant get his regular promotion in the hierarchy of his cadre, which is to the grade of Rs. 2400/-, on regular promotion, he will only be granted the difference of grade pay between Rs. 2000/- and Rs. 2400/-. No additional increment will be granted at this stage". Therefore, pay of juniors should not be fixed by granting them one increment plus the difference of grade pay (i.e. Rs. 1400/-), while they have got 2nd regular promotion in the rank of Sub Inspector (i.e. during the year of 2011 & 2012), at that time they would only be granted the difference of grade pay between Rs. 2800/- & 4200/- as juniors of petitioner gets their regular promotion in the hierarchy of their cadre. Due to aforesaid reasons, petitioner has already been drawn two increment (i.e. one increment due to grant of 3rd MACP benefits in the Grade Pay of Rs. 4200/- instead of Rs 4600/- and other due to granting them one increment instead of giving difference of Grade Pay between Rs. 2800/- & 4200/-, while they were got 2nd promotion in SI within 30 years of regular service) lesser from his juniors. Further, pay fixation of said petitioner examined in depth and details are submitted as under:



Various Details	850831482 SI/GD Suresh Kr. Chandel	851260149 SI/GD Raja Kumar Sahoo	851311339 SI/GD Mayna Kumar Dey
Enlisted in CRPF as CT/GD in the pay scale of Rs. 210-4-250-EB-5- 270	210/- per month wef 26/06/1985	210/- per month wef 01/04/1985	
Pay fixed under CCS (RP) Rules-1986 wef 01/01/1986	Rs. 855/-	Rs. 855/-	Rs. 855/-
Pay fixed under CCS (RP) Rules-1996 wef 01/01/1996	Rs. 3275/-	Rs. 3275/-	Rs. 3275/-
Pay fixed under CCS (RP) Rules, 2008- wef 01/01/2006	Rs. (8010+2400)	Rs. (8010+2400)	Rs. (8010+2400)
Pay fixed on grant of 2nd MACP benefits in the PB-I (Rs. 5200+20200) and G/Pay of Rs. 2800/- wef 01/09/2008	Rs. (9350+2800)	Rs.(9350+2800)	Rs.(9350+2800)



Promoted as Sub Inspector and pay fixation made on promotion in the Grade Pay of Rs. 4200/-	----	He was promoted as SI/GD on 10/01/12 & pay fixed as under:- Rs. (10490+4200) wef 10/01/2012 and pay re-fixed Rs. (11300+4200) wef 01/07/2011	He was promoted as SI/GD on 27/06/11 & pay fixed as under:- Rs. (10100+4200) wef 27/06/2011 and pay re-fixed Rs. (10890+4200) wef 01/07/2011
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Note:- Pay in respect of juniors of petitioner were fixed on promotion is not in order as per clarification published in Swamynews for the month june,2009 which are required to be reviewed as per instructions quoted above.

Pay fixed on grant of 3rd MACP benefits in	Granted 3rd MACP in the	Granted 3rd MACP in	Granted 3rd MACP
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the PB-2 (Rs. 9300-34800) and G/Pay Rs. 4200/- and 4600/-	G/Pay of Rs. 4200/- wef 26/06/15 & pay fixation as under:- Rs (11730+4200) wef 26/06/2015 and Rs. (12620+4200) wef 01/07/2015	the G/Pay of Rs. 4600/- wef 01/04/15 & pay fixation as under:- Rs (12250+4600) wef 01/04/2015 and Rs. (13260+4600) wef 01/07/2015	in the G/Pay of Rs. 4600/- wef 10/06/15 & pay fixation as under:- Rs (12300+4600) wef 10/06/2015 and Rs. (13310+4600) wef 01/07/2015
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Pay fixed under CCS (RP) Rules-2016, wef 01/01/2016	Rs. 43,600/- (Level-6)	Rs. 46,200/- (Level-7)	Rs. 46,200/- (Level-7)
A/I granted wef 01/07/2016	Rs. 44,900/-	Rs. 47,600/-	Rs. 47,600/-
A/I granted wef 01/07/2017	Rs. 46,200/-	Rs. 49,000/-	Rs. 49,000/-
A/I granted wef 01/07/2018	Rs. 47,600/-	Rs. 50,500/-	Rs. 50,500/-
Date of retirement/ Suppn./ in service	Suppn. Wef 31/03/19	Still in service	Still in service

In view of position explained above, petitioner's pension authorized/calculated at Rs. 23,800/- per month wef 01/04/2019 on the basis of last pay drawn Rs. 47,600/- vide PAO, CRPF (MHA) letter No. CRPF/18/4388/SP dated 21/02/2019 is in order as per instructions quoted ibid. ”

9. It is the case of the Respondents that the second promotion of the two personnel was to the post of Sub Inspector, whereas the second promotion of the Petitioner was to the post of Assistant Sub Inspector and therefore, the Petitioner cannot claim parity in terms of the benefits under MACP Scheme.

10. It is the case of the Petitioner that the rank of Assistant Sub Inspector/GD was not in existence at the time of the second promotion of the other two personnel and the post of Assistant Sub Inspector was only introduced in CRPF vide Order No. O.IV-6/2009-ORG dated 01.04.2011, to which the Petitioner was promoted on 07.09.2012. Therefore, the Petitioner would have been entitled to the same pay scale. However, this Court is not inclined to accept the case of the Petitioner.

11. The material on record indicates that as per the clarification dated 27.02.2015 issued by the DIG (Estt) dte.CRPF Vide Signal No. P.VII-



52/2015-Estt, if the Government servant has been granted either two regular promotion or second financial upgradation under the ACP Scheme after completion of the 24 years of regular service, only then the third financial upgradation is admissible to such a Government servant under the MACP Scheme on completion of 30 years of regular service, provided that he has not earned the third promotion in the hierarchy which means that those who have got either two regular promotions or granted 2nd ACP benefits before completing the 30 years of regular service are only eligible for the third MACP benefits.

12. The Petitioner got the second promotion as Assistant Sub Inspector in 30 years but got the third promotion as Sub Inspector only after 30 years, and therefore, not entitled to the benefit of MACP Scheme unlike the others who had got the promotions as Sub Inspector prior to the Petitioner.

13. It is, therefore, not a case where the juniors are getting higher pay as compared to the Petitioner, however, the Petitioner seeks parity with those who were promoted as Sub Inspector before his completion of 30 years of service, and therefore, were drawing a higher pay scale than the Petitioner.

14. The Petitioner has not brought any material to show that his pay has not been fixed in accordance with the existing rule of ACP/MACP Scheme. Therefore, this Court is not inclined to accept the case of the Petitioner.

15. With the above observations, the present Writ Petition stands dismissed along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

VIMAL KUMAR YADAV, J

AUGUST 18, 2025

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