



2025:DHC:6774-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 12.08.2025

+ **W.P.(C) 3712/2025**
+ **W.P.(C) 7512/2025**
UNION OF INDIA

.....Petitioner

Through: Mr.Syed Abdul Haseeb, CGSC
with Colonel S.D. Sally, 505
Workshop & Mr.Amit Mishra,
E.E, 505 Workshop

versus

RAJESH KUMAR & ORS.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. These petitions have been filed challenging the order dated 07.11.2022 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. 3578/2015, titled ***Union of India v. Rajesh Kumar & Ors.***, allowing the O.A. filed by the respondents herein in terms of the Order dated 10.01.2020, passed by the learned Tribunal, Jodhpur Bench, in O.A. No. 292/2013, titled ***Bharat Kumar Pant & Ors. v. Union of India & Ors.***, and as upheld by the High Court of Rajasthan by the Judgment dated 20.10.2022 in W.P.(C) 3847/2021.

2. The petitioners also challenge the Order dated 07.11.2024 passed by the learned Tribunal in R.A. No. 80/2024 in the above O.A.,



by which the review filed by the petitioners herein against the order dated 07.11.2022 has been dismissed by the learned Tribunal.

3. To give a brief background of the facts in which the present petitions arise, the respondents were initially appointed, sometime in 1987, as Electrical Master Craftsmen (MCM) (Skilled) in the pay scale of Rs. 950-1500 (GP Rs.1900/-).

4. The Assured Career Progression Scheme (ACP) was introduced by the Government of India on 09.08.1999, providing for two financial upgradations, on completion of 12 and 24 years of service.

5. The respondent was then granted the first ACP benefit, by placing him as Electrical (MV) (Skilled) in the year 1999, having a pay scale of Rs. 4000-6000 (GP Rs. 2400/-).

6. The respondent was later promoted to the post of Electrical (AFV) (Highly Skilled) on 25.09.1999, having the same pay scale, that is, Rs. 4000-6000 (GP Rs. 2400/-). This was not treated as a promotion.

7. The respondent, on 01.10.2003, was placed as MCM in the pay scale of Rs. 4500-7000 (GP Rs. 4200/-). This was treated as one promotion, however, on 18.02.2006, the post of Electrical (AFV) (MCM) was merged into Electrical MCM without any change in pay, that is, with the same pay scale of Rs. 4500-7000 (GP Rs. 4200/-). Due to such merger, the effect of the promotion was, therefore, negated, however, the petitioner continued to treat the elevation of the respondent to the post of MCM as a promotion. On the said basis, the petitioner granted the respondent the 'third MACP' on 01.10.2013 by way of a 3% increment of pay within the grade pay of Rs. 4200/-.



8. The learned counsel for the petitioner submits that the cases of the other respondents are almost identical and, therefore, specific reference to the dates of their promotions and appointments need not be specifically mentioned; the only issue to be determined being the effect of the merger of the post of Electrical (AFV) (MCM) into Electrical MCM without any change in pay

9. The respondents filed the above O.A. claiming Grade Pay of Rs.4600/- as the third financial upgradation under the MACP scheme, as far as respondent nos. 1 to 54 are concerned, and the second financial upgradation as far as the respondent nos. 55 and 56 are concerned.

10. As noted hereinabove, the learned Tribunal allowed the O.A. and thereafter, also dismissed the Review Application filed by the petitioner.

11. The learned counsel for the petitioner submits that the learned Tribunal has failed to appreciate that the promotion to the post of MCM in October 2003 was the second promotion for the respondent, while the third MACP benefit was granted to the respondent while placing him in the post of Electrical (MCM) on 01.10.2013 with pay of Rs. 13,820/- plus Grade Pay of Rs. 4200/-.

12. We are unable to accept the above submission of the learned counsel for the petitioner.

13. With the merger of the post of Electrical (AFV) (MCM) with MCM on 18.02.2006, the effect of the so-called promotion disappears. This has also been clarified by the Government of India *vide* OM No.



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F. No. 35034/1/97-Estt(D)(Vol.IV) dated 10.02.2000, dated 10.02.2020
in the following terms:-

“Since the benefits of upgradation under ACP Scheme (ACPS) are to be allowed in the existing hierarchy, the mobility under ACPS shall be in the hierarchy existing after merger of pay-scales by ignoring the promotion. An employee who got promoted from lower pay-scale to higher pay-scale as a result of promotion before merger of pay-scales shall be entitled for upgradation under ACPS ignoring the said promotion as otherwise he would be placed in a disadvantageous position vis-a-vis the fresh entrant in the merged grade.”

14. Based on the same, this Court, in **Rajbir Singh v. UOI & Ors.**, 2025:DHC:1100-DB, has held as under:-

“11. From the reading of the above, it would be apparent that where the two posts having different pay-scales and constituting two rugs thereof in a hierarchy have been placed in the same pay- scale as a result of rationalization of the pay scales and has resulted into a change in hierarchy inasmuch as two posts which constituted feeder and promotion grades in pre-merged scenario have become one grade, for the purposes of ACP the erstwhile promotion post is not to be counted as promotion.”



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15. In view of the above, we find no infirmity in the direction passed by the learned Tribunal.

16. The petitions are accordingly dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 12, 2025/rv/ik