



2025:DHC:10682-DB



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

Date of decision: 27.11.2025

+ W.P.(C) 17992/2025, CM APPL. 74402/2025 & CM APPL. 74404/2025
UNION OF INDIA AND ORS.

.....Petitioners

Through: Mr. Shoumendu Mukherji, SPC
with Mr. Aniruddha Ghosh,
Adv.

versus

DAYA RAM, HS-I (RETIRED)

.....Respondent

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 74403/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 17992/2025

2. This petition has been filed, challenging the Order dated 01.05.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, the 'Tribunal') in O.A No. 2676/2016, titled *Daya Ram v. Union of India & Ors.*, allowing the said O.A. filed by the respondent herein, with the



following directions:

*“15. In view of the aforesaid, we are of the considered view that the applicant is entitled for grant of the pay band of Rs.9300-34800+4600 GP (PB-2) w.e.f. 01.09.2008 and revision of his pension and retiral dues. Accordingly, we allow the present OA with following order(s) :
(i) Impugned order dated 21.04.2016 is set aside.
(ii) The respondents shall pass necessary order for grant of pay scale of Rs.4600 to the applicant, determine the arrear of the pay of the applicant and revise the relevant PPO, determine the arrears of the pension and other reitral dues and pass orders in this regard and pay the difference of pay, pension and retiral dues accordingly. The respondents shall comply these directions within eight weeks.”*

3. The learned counsel for the petitioners submits that the learned Tribunal failed to appreciate that the respondent had been promoted to the post of Motor Pump Attendant on 19.12.1975. He further submits that, due to inadvertence, the effect of Circular No. SRO 215/1971 was not taken into consideration, and the appointment of the respondent was inadvertently treated as a case of direct recruitment. He submits that, thereafter, the benefits of the ACP Scheme were granted to the respondent by treating his appointment as direct recruitment instead of promotion. He further submits that the said anomaly was observed only in 2011, with a Clarification dated 22.07.2011 issued by the Engineer-in-Chief's Branch, clarifying that the post of Motor Pump Attendant is a promotional post. Accordingly, the claim of the respondent for revision of his pay by the granting of



third MACP benefits was rejected.

4. We do not find any merit in the submission made by the learned counsel for the petitioners.

5. As noted by the learned Tribunal, the respondent had earlier filed O.A. No. 1884/2010. The same was disposed of by the learned Tribunal *vide* Order dated 01.10.2010, in light of its earlier Order dated 16.09.2010 in O.A. No. 1383/2010, titled ***Jai Raj v. Union of India and Ors.***, thereby directing the petitioners to recalculate the relief due to the respondent.

6. The learned Tribunal further noted that the decision in ***Jai Raj*** (supra) was subsequently affirmed by this Court *vide* Order dated 27.08.2013 in W.P.(C) 2974/2012, whereby the petition challenging the Order in O.A. No. 1884/2010 was dismissed.

7. The learned Tribunal further noted that the respondent was drawing the pay scale of Rs. 5,000-8,000 (pre-revised) under the ACP Scheme on 31.12.2005. He was, therefore, entitled for the grant of the MACP benefits in the Grade Pay of Rs. 4600.

8. We do not find any infirmity in the above observation of the learned Tribunal. The respondent has been, as per the petitioners' own showing, considered as a direct recruit since 1975 and has been accordingly granted benefits under the ACP Scheme. The petitioners cannot be allowed to change the same at such a belated stage.

9. In the peculiar facts of the case, we do not find this to be fit to interfere with the Impugned Order in exercise of our powers under Article 226 of the Constitution of India.

10. The Writ Petition, along with the pending applications is,



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accordingly, dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 27, 2025/prg/RM/Yg

Signature Not Verified

Signed By:RENUKA W.P.(C) 17992/2025
NEGI
Signing Date:01.12.2025
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