

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-27755-2025 (O&M)

Jasbir Singh

... Petitioner

VS.

UOI & Ors.

... Respondents

1.	Judgment reserved on	10.03.2026
2.	Judgment pronounced on	18.04.2026
3.	Judgment uploaded on	22.04.2026
4.	Whether operative or full judgment	Full
5.	Delay in pronouncement of full judgment and reasons, if any	NA

CORAM: HON’BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Sunil Agnihotri, Advocate for the petitioner

Mr. Sandeep Bhatia, Sr.Panel Counsel, UOI

Sandeep Moudgil, J.

Prayer

(1). The present petition has been filed under Articles 226/227 of Constitution of India praying for issuance of a writ in the nature of Certiorari for quashing the impugned order dated 21.06.2025 (Annexure P5) passed by respondent No.4 vide which respondent No.4 declined the petitioner’s claim for 3rd Modified Assured Career Progression Scheme (MACPS) after 30 years of continuous regular service. He seeks a direction to the respondents to consider and grant 3rd MACPS to the petitioner.

Facts and
contention on behalf of the petitioner

(2). The petitioner’s primary grievance is that despite completion of 30 years of continuous regular service and extension of his retirement age from 57 to 60 years pursuant to the judgment in W.P.(C) No.1951 of 2012, Dev Sharma & Others vs. Union of India, he has been illegally deprived of the 3rd

financial upgradation under the Modified Assured Career Progression Scheme (MACPS), which is otherwise admissible on completion of 10, 20 and 30 years of service.

(3). The petitioner was appointed on 01.07.1989 and, as per MACPS, became entitled to three financial upgradations in his service career. He was granted the 1st MACP on 25.07.2002 and the 2nd MACP on his promotion to the rank of SI/RO on 05.05.2010, but due to his then prevailing age of superannuation at 57 years, he superannuated on 31.10.2018 and did not receive the 3rd MACP, though he had completed 30 years of regular service by that time. Subsequent to the Delhi High Court's judgment in **Dev Sharma** (supra), the respondents themselves notionally enhanced the age of retirement of CAPF personnel from 57 to 60 years and extended all consequential retiral benefits to similarly situated personnel, which included the petitioner, whose date of retirement was notionally revised from 31.10.2018 to 31.10.2021 and whose pension and gratuity were accordingly re-fixed.

(4). Learned counsel for the petitioner submits that once his date of retirement stood notionally extended up to 31.10.2021 and his qualifying service stood recognized up to that date for all retiral benefits, there was no legal justification for the respondents to deny him the 3rd MACP, which becomes due on completion of 30 years of continuous regular service under the MACPS. He asserts that from 01.07.1989 i.e. his date of joining to 31.10.2021 i.e. notional date of retirement, he rendered more than 30 years of continuous service and, therefore, fully satisfied the condition for grant of 3rd financial upgradation under the scheme and thus the action of the respondents in confining the benefit of enhanced retirement age only to pension and gratuity,

while denying consequential MACP benefits despite admitting in the impugned speaking order dated 21.06.2025 that the petitioner's date of retirement has been notionally amended and his pension and gratuity revised is arbitrary and discriminatory.

(5). It is further the contention of the petitioner that he repeatedly approached the authorities for redressal of his lawful claim for 3rd MACP by submitting detailed representations dated 04.06.2022 and 28.11.2022, but the respondents failed to act thereon, compelling him to approach this Hon'ble Court by filing CWP No.18615 of 2024, which was disposed of with a direction to the respondents to decide his representation dated 28.11.2022 by passing a speaking order. In purported compliance with the said direction, respondent No.4 passed the impugned speaking order dated 21.06.2025, whereby the claim for 3rd MACP has been rejected on the ground that the enhanced period of retirement is to be counted only for retiral benefits like pension and gratuity.

(6). Hence this writ petition.

Respondents counter

(7). Reply has been filed by the respondents wherein it has been averred that the petitioner was initially appointed as Constable (Radio Operator) in CRPF on 01.07.1989 and was re-mustered as Naik (Radio Operator) with effect from 25.07.1990 and he was thereafter merged as Head Constable (Radio Operator) on 10.10.1997 and was granted 1st Assured Career Progression in the pay scale of Rs. 4000-100-6000 with effect from 21.02.2005, followed by his promotion as Assistant Sub Inspector (Radio Operator) on 13.12.2006 (FN) with seniority from 08.12.2006. It is submitted that the

petitioner was subsequently promoted to the rank of Sub Inspector (Radio Operator) with effect from 05.05.2010 (FN) with seniority from 04.05.2010 in the pay scale of Rs. 9300-34800 with Grade Pay Rs. 4200, and later proceeded on superannuation with effect from 31.10.2018, drawing last pay of Rs. 47,600 in Level-6, before completion of 10 years of regular service in the rank of Sub Inspector (Radio Operator).

(8). Learned counsel for the respondents submit that the Modified Assured Career Progression Scheme (MACPS) was introduced pursuant to the 6th Central Pay Commission with effect from 01.09.2008 vide Office Memorandum dated 19.05.2009, and under the said scheme, three financial upgradations are admissible on completion of 10, 20 and 30 years of regular service or 10 years in the same level of the Pay Matrix, whichever is earlier, subject to the employee not having earned regular promotion in that period. Consequent upon the implementation of the 7th Central Pay Commission, the MACP Scheme continued on the same pattern of 10, 20 and 30 years, and therefore any 3rd MACP in favour of the petitioner could have arisen only either on completion of 30 years of regular service or on completion of 10 years of continuous service in one pay level after his last promotion as Sub Inspector (Radio Operator) on 05.05.2010. However, the petitioner actually retired on 31.10.2018, well before completion of 10 years in that rank, and hence he did not fulfill the basic eligibility for the 3rd financial upgradation under the MACPS.

(9). It is further averred that in compliance with the judgment of the Hon'ble Delhi High Court in **Dev Sharma** (supra) and the subsequent directions of the Ministry of Home Affairs, uniform retirement age of 60 years

for all CAPF personnel was adopted wherein it was specifically clarified that those who had retired prior to 31.01.2019, and had not crossed 60 years of age as on that date, would be extended the benefit of enhancement of retirement age only by way of notional addition to their qualifying service for the limited purpose of fixation/revision of pension and since in the present case, the petitioner had actually retired on 31.10.2018 on attaining 57 years of age, he was only entitled to, and has been granted, notional increments for the subsequent three years and revision of pension as if he had continued in service up to the age of 60 years, however, his period of service actually rendered stood closed on 31.10.2018, and he is not entitled to claim pay, allowances, or any further MACP financial upgradation for the notional period in view of the settled principle of “no work, no pay”.

(10). Heard learned counsel for the parties and the judgment was kept reserved on 10.03.2026.

Analysis

(11). Analysing the rival stands, it emerges that MACPS is designed to address stagnation during actual, active service by granting financial upgradations at 10, 20 and 30 years of regular service or 10 years in a single pay level, when the employee does not receive regular promotion in that period. In the petitioner’s case, his last regular promotion to the rank of Sub Inspector (Radio Operator) took place on 05.05.2010, and he actually retired on 31.10.2018, i.e. before completing 10 years in that rank, and before any further stagnation could accrue so as to trigger a 3rd MACP under the scheme as it stands.

(12). The subsequent enhancement and uniformisation of retirement age to 60 years in terms of Dev Sharma's case and the MHA circular dated 17.12.2020 was specifically extended to pre-31.01.2019 retirees like the petitioner only in the form of notional extension for the limited purpose of revising pension/gratuity, with a clear stipulation that no claim of pay, allowances or similar monetary benefits based on "no work no pay" would arise for the notional period. The relevant extract of the notification dated 17.12.2020 read as under:-

"a) The benefit of enhancement in the age of retirement as granted vide para-72 of the judgment of Hon'ble Delhi High Court dated 31.01.2019 in Writ Petition (c) No.1951/2012 in the matter of Dev Sharma & Ors. vs. UOI would be available to all those in CAPES who had retired prior to 31.01.2019 provided that they had not crossed the age of 60 years as on 31.01.2019."

(13). Viewed thus, the petitioner's attempt is, in substance, to convert what is expressly a narrow, pension-oriented notional benefit into a full-fledged substantive service benefit capable of generating a fresh MACP event, without there being any corresponding actual service rendered or stagnation encountered after 31.10.2018. This runs contrary to both the text and scheme of the MACP Office Memoranda and the tenor of the MHA's implementation orders on Dev Sharma, which treats notional extension as a legal fiction for revising retiral benefits, not as a factual continuation of service for all service incidents. If such an interpretation were to be accepted, it would effectively re-write the MACP scheme to confer upgradations based on hypothetical service, opening floodgates for similar claims by all pre cut-off retirees who never actually worked during the notional extended period.

(14). In these circumstances, and in the absence of any specific judicial or executive mandate treating the Dev Sharma notional extension as conferring full MACP or promotion-related rights for those who had already superannuated, the petitioner cannot derive a right to 3rd MACP from the notional extension of retirement age alone. The respondents have already extended to him the full benefit contemplated by the relevant MHA orders namely, grant of notional increments and revision of pension and gratuity up to the age of 60 years and there is no demonstrated violation of Articles 14 or 16 in withholding a 3rd MACP that never matured during his actual tenure. Accordingly, the claim for 3rd financial upgradation under MACPS, founded solely on the notional extension of retirement age beyond the actual date of superannuation, does not appear to be legally sustainable and would, in my view, is unmerited.

(15). Dismissed.

(16). Pending applications stand disposed of accordingly.

18.04.2026
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No