



\$~3

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision : 16.02.2026

+

W.P.(C) 1541/2026**SAYED VAJIR SAYED IBRAHIM**

.....Petitioner

Through: Mr Ritesh, Ms Payal Arya, Mr
Sarabjeet Singh, Ms Simran, Mr
Devendra Kumar Prajapati,
Advocates.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr Balendu Shekhar, CGSC Mr
Rajkumar Maurya, Mr Krishna
Chaitanya, Mr Divyansh Singh Dev,
Advocates.

CORAM:**HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)****CM APPL. 7513/2026(Exemption)**

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 1541/2026

3. This petition has been filed with the following prayers:-

*“a) An appropriate writ, direction or order in the nature of
mandamus thereby directing the Respondents to revised and*



re-fix the Petitioner pension based on Sub-Inspector (Motor (Motor Transport) (GP ₹2800).

b) To direct the Respondents to release all consequential benefits, including all Tears of pension along with interest at such rate as this Hon'ble Court may deem just and proper, within a time frame to be stipulated by this Hon'ble Court”

4. The submission of the learned counsel for the petitioner is primarily that the petitioner joined the Central Reserve Police Force (CRPF) as driver on 23.11.1987. He was subsequently promoted as Head Constable (Driver) on 10.10.1997. The petitioner opted for Voluntary Retirement (VRS) on 01.05.2010, which was granted to him. The plea is that the petitioner is entitled to the Second Financial Upgradation under the Modified Assured Career Progression (MACP) Scheme to the Grade Pay of Rs.4200/-, which is the Grade Pay of the Sub-Inspector (SI), but he has been granted the Grade Pay of Rs.2800/-, which is the Grade Pay of the Assistant Sub-Inspector (ASI). The learned counsel for the petitioner submits that there was no post of ASI as on 01.09.2008, when the financial upgradation was given to the petitioner.

5. The issue relating to the grant of financial upgradation is settled by the Supreme Court in the case of ***Union of India & Others v. Ex.HC/GD Virender Singh, 2022 INSC 850*** wherein the Supreme Court in paragraph no.14 has held as under:-

“14. In view of the aforesaid discussion, the appeals filed by the Union of India are partly allowed and impugned judgments, to the extent they hold that the MACP Scheme applies with effect from 1.1.2006 and that under the MACP Scheme the employees are entitled to financial upgradation equivalent to the next promotional post, are set aside. MACP Scheme is applicable with effect from 1.9.2008 and



as per the MACP Scheme, the entitlement is to financial upgradation equivalent to the immediate next grade pay in the hierarchy of the pay bands as stated in Section 1, Part A of the First Schedule to the Central Civil Services (Revised Pay) Rules, 2008. The third issue, which relates to the fulfilment of pre promotional norms for grant of financial upgradation, is decided against the appellant-Union of India to the extent that this would not be insisted in the case of the Central Armed Forces personnel where, for administrative or other reasons, they could not be sent or undergo the pre-promotional course."

6. The judgment is applicable to the facts of this case in as much as, the submission of the learned counsel for the petitioner is that as ASI post was not available, he should have been granted the Grade Pay of Rs.4200/-, which is the Grade Pay of the post of SI, is not tenable.

7. The aforesaid judgment of the Supreme Court clearly states that it would be the immediate next Grade Pay in the hierarchy of pay bands as stated in Section 1, Part A of the First Schedule to the Central Civil Services (Revised Pay) Rules, 2008, which shall be applicable. There is no dispute that the petitioner while working as Constable, the next Grade Pay was Rs.2400/- of the post of Head Constable. If that be so, as against the Grade Pay of Rs.2400/- he was granted Grade Pay of Rs.2800/-, which is the immediate next Grade Pay in the hierarchy of pay bands.

8. We find, that the prayer of the petitioner is for re-fixing of his pension w.e.f. 2010 by granting the financial upgradation at Grade Pay 4200. Suffice to state the pension having been fixed in the year 2010, the challenge to the same is sought to be made only in the year 2026 without any explanation for delay. Moreover, we find that the rejection of the claim of the petitioner



was *vide* a letter of August, 2018, i.e. almost 8 years back. So it is a case that the petition is hit by delay latches as well, apart from that it is also without merit.

9. The petition is accordingly dismissed.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 16, 2026

M