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

+ **CONT.CAS(C) 612/2021**

**NARENDER SINGH TYAGI**

.....Petitioner

Through: Mr. Ankur Chibber, Mr. Anushman  
Mehrotra, Advs.

versus

**SHRI AJAY KUMAR BHALLA AND ORS** .....Respondents

Through: Mr. Anshuman, SPC.  
Mr. Ajay Pal, Law Officer with Insp.  
Athurv and Mr. Ramniwas Yadav,  
CRPF.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT SHARMA**

**ORDER**

% **08.04.2026**

1. This hearing has been done through hybrid mode.
2. The present petitions under Sections 11 and 12 of the Contempt of Courts Act, 1971 seeks the following prayers: -

“i. Pass an order issuing the contempt against the Respondents and punish them in accordance with law for the contempt of the judgment dated 18.01.2021 passed in W.P.(C) 8003/2020; and

ii. Pass any such orders as the Hon'ble Court may deem fit in the light of the above mentioned facts and circumstances of the case.”

3. *Vide* judgment dated 18.01.2021 in **W.P. (C) 8003/2020, and other connected matters**, learned Division Bench of this Court had passed the following directions: -



“5. It is pertinent to mention that the petitioners have preferred the present writ petition to primarily seek a mandamus to the respondents to grant the benefit of the First and Second financial upgradation under the ACP scheme with effect from completion of 12 years and 24 years and the third MACP on completion of 30 year of service. It is claimed that wherever the second Financial upgradation is granted under the second MACP, the same shall be granted in the Pay Band of Rs.9300-34800 with Grade Pay of Rs.4200 w.e.f. 01st January, 2006 and wherever 20 years have been completed or the dates mentioned in the prayer clause along with consequential benefits including arrears. The petitioners' claim is based upon the decision of the Supreme Court in the case of **Union of India and Ors. Vs. Balbir Singh Turn & Anr.**, Civil Appeal Diary No.3744/2016 along with other cases decided on 08th December, 2017. The petitioners also place reliance on the decision of the Division Bench of this Court in **Sunil Kumar Tyagi vs. Union of India & Anr.**, W.P. (C) No.3549/2018 decided on 01st May, 2019, **Jaswant Singh v. Union of India.**, WP(C) No. 22 of 2015 decided on 05.01.2015 as well as **Jai Pal Singh v. Union of India** decided on 06.09.2013 in WP(C) No. 5539/2015 and **Indian Ex-Bordermen Movement and Ors v. Union of India and Ors.** decided on 03.02.2020 in WP(C) No. 7447/2019.

6. As admittedly there is no interim order passed by the Supreme Court in any of the Special Leave Petitions filed by the Union of India in similar matters, we dispose of the present writ petition in similar terms as passed in W.P.(C) No.6437/2019 i.e. a direction to the respondents to consider the petitioners' claim in the light of the judgments in **Union of India and Ors. Vs. Balbir Singh Turn & Anr. (supra)** and **Sunil Kumar Tyagi vs. Union of India & Anr (supra)**, **Union of India & Ors. vs. M. V. Mohanan Nair, (2020) 5 SCC 421** as well as **Jaswant Singh v. Union of India.**, WP(C) No. 22 of 2015 decided on 05.01.2015 as well as **Jai Pal Singh v. Union of India** decided on 06.09.2013 in WP(C) No. 5539/2015 and **Indian ExBordermen Movement and Ors v. Union of India and Ors.** decided on 03.02.2020 in WP(C) No. 7447/2019 and to dispose of the representations of the petitioners positively within twelve weeks from today. It is clarified that in the event the Supreme Court varies or set asides the order passed by the Division Bench in **Sunil Kumar Tyagi vs. Union of India & Anr (supra)** and/or any other similar matter, then the present order shall abide by the order( s) of the Apex Court.”



4. Reply affidavit dated 01.12.2021 has been filed on behalf of the respondent Nos.1 to 4 in which it has been stated as under: -

“3. That vide judgment dated 18.01.2021, this Hon'ble Court allowed the Writ Petition No. 8003/2020 and directed the respondents to grant the benefits of MACP from the date of completion of 20 years of service by treating the MAGP as applicable w.e.f 1.1.2006.

It was further directed to place the petitioner in the appropriate pay scale of SI/HC etc. as the case may be (for e.g. In the case of Sis Rs. 9300-34800 with grade pay of 4200) from the date of completion of 20 years of regular service up to the date of voluntary retirement; and,

4. That the judgment of this Hon'ble Court in the in WPC 8003/2020 and in several other writ petitions were examined Department and the same was challenged before the, Hon'ble Supreme Court of India. The Hon'ble Apex Court vide judgment dated 28.4.2021 allowed the Civil Appeals arising out of the SLPS filed by the Union of India/ CRPF and held that the resolution dated 29.8.2008 is made effective from 1.9.2008 for implementation of allowances other than Pay and DA which include financial up gradation under ACP & MACP Schemes. Therefore, the respondents and other similar situated officers are not entitled to seek benefits of MACP Scheme from 1.1.2006 according to resolution dated 29.8.2008. The Hon'ble Supreme Court also set aside the judgments of the Hon'ble Delhi High Court passed in the several writ petitions including the writ petition filed by the present petitioner. Thus the benefit under MACP shall be applicable w.e.f. 1.9.2008 instead of 1.1.2006.

5. That while passing the above mentioned judgment dated 28.4.2021, the Hon'ble Apex Court had relief upon the judgment dated 5.3.2020 passed by the larger bench of the Hon'ble Supreme Court in CA No. 2016/2020 titled Union of India Vs. M.V.Mohanan Nair, wherein the Hon'ble Apex Court had upheld the appeal of the Union of India that the benefits under the MACP cannot be granted in the promotional hierarchy and it would be in the standard hierarchy of Grade pay (Pay Levels) in the Pay Band



(Pay Matrix) as per the existing MACP Scheme Guidelines.

6. That based on the judgment dated 5.3.2020, the DoPT has also issued O.M. No. 22034/4/2020-Estt (D) dated 23.3.2020 that the benefits under the MACP Scheme are to be granted in the standard hierarchy of Grade Pay/ Pay Levels and not in promotional hierarchy. Copy of the Judgment dated 5.3.2020 in the case of M.V.Mohanan Nair, Judgment dated 28.4.2021 and DoPT OM dated 23.3.2020 are annexed as ANNEXURES R/1, AND R/2 respectively.”

5. As noted hereinabove, learned Division Bench while passing the directions had categorically clarified that in the event the Supreme Court varies or set aside the order passed by the learned Division Bench in **Sunil Kumar Tyagi v. Union of India & Anr (*supra*)** and/or any other similar matter, then the said order passed by learned Division Bench shall abide by such order(s) of the Hon'ble Supreme Court.

6. Learned counsel appearing on behalf of the petitioner fairly submits that the judgment of the Hon'ble Supreme Court in **M.V. Mohanan Nair (*supra*)** was rendered in similar situation, and in view of the same, he seeks leave to withdraw the present petition with liberty to initiate appropriate proceedings as available in law before the Court of competent jurisdiction/appropriate forum.

7. Leave and liberty granted.

8. The present petition is dismissed as withdrawn and disposed of.

9. Pending application(s), if any, also stand disposed of accordingly.

10. Order be uploaded on the website of this Court *forthwith*.

**AMIT SHARMA, J**

**APRIL 8, 2026/kr**