

(2023) 02 DEL CK 0105

In the Delhi High Court

Case No : Civil Writ Petition No. 10625, 10680, 10676 Of 2021, Civil
Miscellaneous Application No. 32753, 32940 Of 2021

P.M. Somaiah And Ors.

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 14-02-2023

Acts Referred:

Citation : (2023) 02 DEL CK 0105

Hon'ble Judges : Suresh Kumar Kait, J; Neena Bansal Krishna, J

Bench : Division Bench

Advocate : Pardeep Gupta, Parinav Gupta, Mansi Gupta, Mamta Sharma, Ripu
Daman Bhardwaj

Final Decision : Disposed Of

Judgement

W.P.(C) 10625/2021 & W.P.(C) 10680/2021

1. Vide these petitions, petitioners are seeking following relief(s):

"a. Direct the Respondents to grant the first ACP upgradation on completion of 12 years of service in the scale of Sub Inspector pay band of 5500-9000 with grade pay of Rs.4200/- from the date of completion of 12 years of service on the date each of them became eligible for ACP/MACP and other consequential benefits including arrears of payment being accrued thereto according to the settled position of law per the Hon'ble Supreme Court;

b. Direct the Respondents to grant the 2nd MACP upgradation on completion of 20 years of service in the scale of Inspector with pay band of Rs.9300-34800 with grade pay of Rs.4600/- on the date each of them became eligible for ACP/MACP till the Petitioners Voluntarily retired and other consequential benefits including arrears of payment being accrued thereto according to the settled position of law per the Hon'ble Supreme Court;

c. Direct the Respondents to treat the Petitioners be treated at par with Head

Constables in exactly similar circumstances in other CAPFs who have been extended the benefit of ACP / MACP in the pay band of Sub-Inspector;

d. Issue directions to the respondent concerned for granting reasonable rate of interest on the delayed payment of arrears;

e. Pass any other order or direction as this Hon'ble Court may deem fit and proper to do so in the facts and circumstances of the case in favour of the Petitioners and against the Respondents."

W.P.(C) 10676/2022

2. Vide this petition, petitioners are seeking following relief(s):

a. Direct the Respondents to grant the 2nd MACP upgradation on completion of 20 years of service in the scale of Inspector with pay band of Rs.9300-34800 with grade pay of Rs.4600/- on the date each of them became eligible for ACP/ MACP and other consequential benefits including arrears of payment being accrued thereto according to the settled position of law per the Hon'ble Supreme Court;

b. Direct the Respondents to treat the Petitioners be treated at par with Head Constables in exactly similar circumstances in other CAPFs who have been extended the benefit of ACP/MACP in the pay band of Sub-Inspector;

c. Issue directions to the respondent concerned for granting reasonable rate of interest on the delayed payment of arrears;

d. Pass any other order or direction as this Hon'ble Court may deem fit and proper to do so in the facts and circumstances of the case in favour of the Petitioners and against the Respondents."

3. Since the issue(s) raised in these petitions are same, therefore, these petitions are heard together and are being disposed of by this common order.

4. Learned counsel for respondents submit that the issue(s) raised in this petition has already been decided by the Hon'ble Supreme Court in the case of Union of India & Ors. vs. Ex. HC/GD Virender Singh : 2022 SCC OnLine SC 1058.

4. In view of above, these petitions are disposed of.

5. Pending applications are also disposed of.