

**(2021) 02 DEL CK 0137**

**In the Delhi High Court**

**Case No :** Civil Writ Petition No. 1388 Of 2021, Civil Miscellaneous Application  
No. 3930 Of 2021

Rajendra Singh

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

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**Date of Decision :** 04-02-2021

**Acts Referred:**

**Citation :** (2021) 02 DEL CK 0137

**Hon'ble Judges :** Manmohan, J;Asha Menon, J

**Bench :** Division Bench

**Advocate :** K.K.Sharma, Satya Ranjan Swain, Himanshu Pathak, Kautilya Birat

**Final Decision :** Disposed Of

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## **Judgement**

Manmohan, J

1. Present petition has been filed seeking a number of prayers. However, learned counsel for the petitioner prays that fixed medical allowance per

month @ Rs.1,000/- along with a similar order as passed by a Division Bench in W.P.(C) No.6437/2019 dated 30th May, 2019 as well as WP(C) No.

12811 of 2019 decided on 06th December, 2019 be passed in the present writ petition. He clarifies that neither the judgment and order dated 30th

May, 2019 in W.P.(C) No.6437/2019 nor the judgments referred to in the said order have been challenged before the Supreme Court by the

respondents.

2. Issue notice.

3. Learned counsel for the respondents accept notice. Learned counsel for the respondents state that in similar matters, notices have been issued by

the Supreme Court in the condonation of delay and special leave petitions. He,

however, candidly state that there is no stay in the said special leave petitions.

4. It is pertinent to mention that the petitioner has 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 years 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 petitioner 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.

5. 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

claims of the petitioner 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) as well as Union of India & Ors. vs. M.V. Mohanan Nair, (2020) 5 SCC 421 as well as Jaswant Singh v. Union of India

(supra) decided on 05.01.2015 Jai Pal Singh v. Union of India (supra) decided on 06.09.2013 in WP(C) No. 5539/2015 and Indian Ex-Bordermen

Movement (supra) decided on 03.02.2020 in WP(C) No. 7447/2019 and to dispose of the representation of the petitioner 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.

6. With the aforesaid direction, the present writ petition along with pending application stand disposed of.

7. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.