(2026) 02 J&K CK 1638

In the Jammu And Kashmir High Court

Case No : WP(C) No. 2897 Of 2024

Ranjit Singh APPELLANT

Vs

Union of India & Ors RESPONDENT

Date of Decision : 20-02-2026

Acts Referred:

Citation : (2026) 02 J&K CK 1638

Hon'ble Judges : Sanjay Dhar, J

Bench : Single Bench

Advocate : Surinder Kour, Michael Singh Dogra, Vishal Sharma, Eishaan Dadhichi

Final Decision : Dismissed

Judgement

Sanjay Dhar, J

1. The petitioner has sought a direction upon the respondents to remove the pay anomaly in his case and to re-fix his pension at par with Sh. Heera Singh SI/GD 837030292 w.e.f. 07.09.2013 by extending the benefit of 3rd Modified Assured Career Progression Scheme (MACPS) w.e.f 07.09.2013 in Level-07.

2. Briefly stated, facts of the case are that the petitioner was appointed as a constable on 21.11.1983 with the Indo-Tibetan Border Police Force-(ITBPF). He was promoted as Lance Naik (L/N) on 25.09.1990 and thereafter, he was promoted as Naik on 26.06.1992. The petitioner was further promoted to the post of Havaldar (Head Constable) w.e.f 10.10.1997 on account of implementation of 5th Pay Commission recommendations which provided for merger of post of Constable and Naik. The petitioner was thereafter promoted to the rank of SI/GD on 13.09.2010. Ultimately, the petitioner superannuated from service on 31.10.2022.

3. The 5th Central Pay Commission provided for two financial upgradations and as per this scheme, an employee on completion of 12 years and 24 years became entitled to financial upgradations under the Assured Career Progression

Scheme (ACPS). The first financial upgradation in favour of the petitioner under the 5th Pay Commission was granted to him w.e.f 01.01.1996 i.e., the date on which the 5th Pay Commission recommendations were implemented.

4. The petitioner became entitled to second financial upgradation under the Assured Career Progression Scheme (ACPS) in the year 2007 after putting in 24 years of service but the same was not granted to him and

instead after the implementation of 6th Central Pay Commission, a new scheme, namely, Modified Assured Career Progression Scheme (MACP Scheme) came into effect w.e.f 01.09.2008. Accordingly, the petitioner was given second financial upgradation under MACP Scheme w.e.f 01.09.2008.

5. The MACP Scheme provided for three financial upgradations in a service career after every ten years. The petitioner was granted the third financial upgradation under MACP Scheme w.e.f 21.11.2013 and his pay was fixed in the pay band of Rs. 9300-37800 with Grade Pay Rs. 4600.

6. Sh. Heera Singh, with whom the petitioner is claiming parity, was appointed in ITBP Force on 05.09.1983 as Constable/GD. It is being claimed by the petitioner that said Sh. Heera Singh was promoted to higher ranks along with the petitioner. Sh. Heera Singh was granted first financial upgradation upon implementation of 5th Pay Commission recommendations w.e.f. 01.01.1996. The second financial upgradation in favour of said Sh. Heera Singh fell due after completion of 24 years of service on 07.09.2007 and he was granted the second ACP with effect from the said date. Thereafter, financial upgradation under MACP Scheme in terms of 6th Pay Commission recommendation was granted to Sh. Heera Singh w.e.f 07.09.2013 and his pay was fixed in the Pay Band-2 (Rs. 9300-34800) with Grade Pay Rs. 4600.

7. The contention of the petitioner is that he and Sh. Heera Singh were promoted to upgraded posts from time to time on the same dates, as such, at the time of superannuation, basic pay of both of them has to be the same, but the petitioner, at the time of his superannuation, was drawing the basic pay at the rate of Rs. 52,000/- whereas Sh. Heera Singh has drawn the basic pay at the same stage at the rate of Rs. 58,600/-. Thus, there is pay anomaly and there is discrepancy in fixation of the pay of the petitioner. It is being claimed that the petitioner made a number of representations before the respondents, but without any success. Hence, the present petition.

8. The stand of the respondents in the case against the claim of the petitioner is that, the second financial upgradation in favour of petitioner got delayed because he was not eligible for financial upgradation under the Assured Career Progression Scheme (ACPS), that was in vogue, in terms of 5th Pay Commission recommendations when the petitioner completed 24 years of service in the year 2007.

9. It has been submitted that one of the eligibility conditions for according the

benefit of Assured Career Progression Scheme (ACPS) was that a person should be a matriculate but the petitioner was only 9th pass and he acquired the qualification of matriculation only on 11.10.2008 and by that time, 6th Central Pay Commission had been implemented and the Modified Assured Career Progression Scheme (MACPS) came into effect w.e.f 01.09.2008. The Assured Career Progression Scheme (ACPS) in terms of 5th Pay Commission recommendations came to be replaced by the Modified Assured Career Progression Scheme (MACPS) under the 6th Pay Commission.

10. It is the stand of the respondents that in the aforesaid circumstances, the petitioner was accorded the benefit of second financial upgradation under MACP Scheme w.e.f. 01.09.2008, the date on which the said scheme came into existence.

11. I have heard learned counsel for the parties and perused record of the case.

12. The facts pleaded by the parties are not in dispute. It is not in dispute that the petitioner was not eligible for grant of second financial upgradation under ACP Scheme because he had not acquired the qualification of Matric. Thus, he could not be given the second financial upgradation immediately on completion of 24 years of service on 21.11.2007. In terms of the eligibility conditions under the Assured Career Progression Scheme (ACPS), the petitioner acquired necessary eligibility only in November, 2008. Prior to that, the Assured Career Progression Scheme (ACPS) under 5th Pay Commission recommendations came to be replaced by the Modified

Assured Career Progression Scheme (MACPS). Accordingly, the grant of second financial upgradation to the petitioner was delayed by about one year.

13. On the contrary, Sh. Heera Singh got the second financial upgradation on completion of 24 years of service, w.e.f. 07.09.2007 itself under the Assured Career Progression Scheme (ACPS) in terms of 5th Pay Commission recommendations, which was in vogue, at the relevant time, and there was no delay in his case. The delay in grant of second financial upgradation to petitioner has resulted in pay disparity between him and Sh. Heera Singh.

14. The respondents cannot be held responsible for the delay in grant of second financial upgradation to the petitioner because it was delayed not because of the reasons attributable to the respondents but it was delayed due to ineligibility of the petitioner in terms of the Assured Career Progression Scheme (ACPS). Thus, immediately after completion of 24 years of service, the petitioner could not be granted second financial upgradation. The delay in grant of second financial upgradation to the petitioner resulted in fixation of his pay at a rate lesser than that of Sh. Heera Singh, who had been granted second financial upgradation on the date when he completed 24 years of service.

15. In the face of aforesaid facts and circumstances, the petitioner cannot claim pay parity with Sh. Heera Singh who was granted second financial upgradation at

least one year prior to grant of the same to the petitioner. The grievance projected by the petitioner is, therefore, without any substance being misconceived.

16. For what has been discussed herein before, I do not find any merit in the present petition, the same is accordingly, dismissed.