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

+ W.P.(C) 11761/2016

GULSHAN KUMAR RAWATPetitioner

Through: Ms. Saahila Lamba, Advocate.

versus

UNION OF INDIA & ORSRespondents

Through: Mr. Sushil Raja, SPC for UoI.
Mr. Vikrant N. Goyal, Mr. Arun
Kumar Yadav, Mr. Kunal Dixit and
Mr. Rajkumar Yadav, Advocates.

(24) W.P.(C) 11772/2016

DEVI DUTTA SHARMAPetitioner

Through: Ms. Saahila Lamba, Advocate.

versus

UNION OF INDIA & ORSRespondents

Through: Mr. Sushil Raja, SPC for UoI.
Mr. Om Prakash, SPC, Mr. Nitish
Pande, Ms. Swati Mishra, Mr. Sarthak
Udaipuria, Mr Amish Kumar, Mr.
Manuj Gautam, Ms. Sanhita Pandey,
Advocates for UoI.
Mr. Rajkumar Yadav, Advocate.

(25) W.P.(C) 9639/2020

VIJAY KUMAR AND ORSPetitioners

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus



UNION OF INDIA AND ORSRespondents
Through: Mr. Rajkumar Yadav, Advocate.

(26) W.P.(C) 1723/2021

RICHPAL SINGH AND ORS.Petitioners
Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.
versus

UNION OF INDIA AND ANRRespondents
Through: Mr. Rajkumar Yadav, Advocate.

(27) W.P.(C) 5911/2021

RAJ KUMAR ATTRI AND ORSPetitioners
Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.
versus

UNION OF INDIA AND ANRRespondents
Through: Tanveer Ahmed Ansari, Senior Panel
Counsel for UoI.
Mr. Rajkumar Yadav, Advocate.

(28) W.P.(C) 6048/2021

MANGI LAL BOCHYIAPetitioner
Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.
versus

UNION OF INDIA AND ANRRespondents
Through: Mr. Farman Ali, SPC with Ms. Usha
Jamnal, Advocates for UoI.
Mr. Rajkumar Yadav, Advocate.



(29) W.P.(C) 792/2021

VIKRANT KUMAR ORS & ORS.Petitioners

Through: Mr. Rajiv R. Mishra, Mr. Saurabh and
Ms. Suruchi Yadav, Advocates.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. T. P. Singh, SPC for UoI.
Mr. Rajkumar Yadav, Advocate.

(30) W.P.(C) 6506/2021

MOHAN SINGH AND ORSPetitioners

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus

UNION OF INDIA AND ANRRespondents

Through: Mr. Tanveer Ahmed Ansari, Sr. Panel
Counsel with Mr. Prashant Rawat, GP
and Mr. Vicky Kumar for UoI.
Mr. Sanjeev Kr. Baliyan and Ms.
Asma, Advocates

(31) W.P.(C) 6530/2021

PRAHLAD MEENA AND ORSPetitioners

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus

UNION OF INDIA AND ANRRespondents

Through:

(32) W.P.(C) 6709/2021

N GURUMURTHY AND ORSPetitioners



Through: Mr. Kailash Prashad Pandey,
Advocate

versus

UNION OF INDIA AND ORSRespondents
Through:

(33) W.P.(C) 8495/2021

BIPIN KUMAR ROY AND ORS.Petitioners

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus

UNION OF INDIA AND ANRRespondents

Through: Ms. Manisha Agrawal Narain, CGSC
with Mr. Nipun Jain, Mr. Navneet
Saharan, Advocates for UoI.
Ms. Nidhi Banga, Senior Panel
Counsel with Mr. Sandeep
Chaudhary, Advocate for UoI.
Ms. Apurva Bhutani, Advocate.

(34) W.P.(C) 8547/2021

BALRAJ SINGHPetitioner

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus

UNION OF INDIA AND ANRRespondents

Through: Mr. Neeraj, SPC with Mr. Vedansh
Anand, GP, Mr. Soumyadip
Chakraborty, Advocates for UoI.

(35) W.P.(C) 9847/2021

SATYABIR YADAV & ORS.Petitioners



Through: Mr. Gaurav Yadava, Mr. Ajay Bansal
and Ms. Veena Bansal, Advocates.

versus

UNION OF INDIA & ANR.Respondents

Through:

(36) W.P.(C) 10473/2021

ANIL KUMAR SINGH AND ORSPetitioners

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus

UNION OF INDIA AND ANRRespondents

Through: Mr. Ranvir Singh, SPC for UoI.

(37) W.P.(C) 10571/2021

KAMLESH KUMAR SINGHPetitioner

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus

UNION OF INDIA AND ANRRespondents

Through: Mr. Vikrant N. Goyal, Mr. Arun
Kumar Yadav, Mr. Kunal Dixit and
Mr. Rajkumar Yadav, Advocates.

(38) W.P.(C) 12458/2021

ASHOK KUMAR AND ORSPetitioners

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus

UNION OF INDIA AND ANRRespondents



Through: Mr. Ghanshyam Mishra, CGSC with
Mr. Jitender Rajotia, Asstt.
Commandant/CISF, SI Vinod Singh
for UoI.

(39) W.P.(C) 12493/2021

M BHARANI AND ORSPetitioners

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus

UNION OF INDIA AND ANRRespondents

Through: Mr. Harish Kumar Garg, SPC for
UoI.

(40) W.P.(C) 13618/2021

TARSEM SINGH AND ORSPetitioners

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus

UNION OF INDIA AND ANRRespondents

Through:

(41) W.P.(C) 14649/2021

MOHAN RAM AND ORSPetitioners

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus

UNION OF INDIA AND ANRRespondents

Through: Mr. Nirvikar Verma, Senior Panel
Counsel for UoI.

(42) W.P.(C) 14744/2021



KULWINDER SINGH AND ORSPetitioners

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus

UNION OF INDIA AND ANRRespondents

Through:

(43) W.P.(C) 1082/2022

SURESH KUMAR AND ORSPetitioners

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus

UNION OF INDIA AND ANRRespondents

Through:

(44) W.P.(C) 1233/2022

JADHAV FULCHAND RAMA AND ORS.Petitioners

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus

UNION OF INDIA AND ANRRespondents

Through: Mr. Vikrant N. Goyal, Mr. Arun
Kumar Yadav, Mr. Kunal Dixit and
Mr. Rajkumar Yadav, Advocates.

(45) W.P.(C) 2506/2022 & CM APPL. 22797/2022

DAVINDER SINGHPetitioner

Through:

versus

UNION OF INDIA & ANR.Respondents



Through: Mr. Gigi C. George, SPC with Mr.
Sunil Kumar, Advocates for UoI.

(46) W.P.(C) 5515/2022 & CM APPL. 16409/2022

SUKHDEV SINGH AND ORSPetitioners

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus

UNION OF INDIA AND ANRRespondents

Through: Mr. Anshuman, SPC with Mr.
Sidhant Gupta, Advocates

(47) W.P.(C) 6795/2022

RATADIYA KESHAV BHAI AND ORS.Petitioners

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus

UNION OF INDIA AND ANR.Respondents

Through:

(48) W.P.(C) 6812/2022 & CM APPL. 20675/2022

GURMEET SINGH AND ORSPetitioners

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus

UNION OF INDIA AND ANRRespondents

Through: Mr. Satya Ranjan Swain, SPC with
Mr. Kautilya Birat, Advocates for
UoI.

(49) W.P.(C) 6981/2022

MD. MERAJ KHAN AND ORS.Petitioners



Through:

versus

UNION OF INDIA AND ANR.Respondents

Through: Mr. Anshuman, SPC with Mr.
Sidhant Gupta, Advocates

(50) W.P.(C) 10757/2022 & CM APPL. 31256/2022

BABU LAL MEENA AND ORSPetitioners

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus

UNION OF INDIA & ANR.Respondents

Through:

(51) W.P.(C) 11930/2022

ROTAN SINGH AND ORSPetitioners

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus

UNION OF INDIA AND ANRRespondents

Through: Mr. Kavindra Kumar Gill, Senior
Panel Counsel, UoI.

(52) W.P.(C) 14031/2022 & CM APPL. 49202/2022

NAVRATTAN AND ORSPetitioners

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus

UNION OF INDIA AND ANRRespondents

Through: Mr. Jivesh Kumar Tiwari, Senior



Panel Counsel with Ms. Samiksha,
Advocates for UoI.

(53) W.P.(C) 14823/2022

DAVINDER KUMAR AND OTHERSPetitioners

Through:

versus

UNION OF INDIA AND OTHERSRespondents

Through: Mr. Amit Gupta, SPC with Mr. Vidur
Dwivedi, GP for UoI

(54) W.P.(C) 14868/2022 & CM APPL. 45723/2022

DEBASISH TARAFDAR AND OTHERSPetitioners

Through:

versus

UNION OF INDIA AND OTHERSRespondents

Through: Ms. Richa Dhawan, Senior Panel
Counsel for UoI with Mr. Anuj
Chaturvedi, Advocates.

(55) W.P.(C) 2231/2023 & CM APPL. 8473/2023

RACHHPAL SINGH & ORS.Petitioners

Through: Mr. Ravi Rai and Ms. Pragya Yadav,
Advocates.

versus

UNION OF INDIA & ANR.Respondents

Through: Ms. Richa Dhawan, Senior Panel
Counsel for UoI with Mr. Anuj
Chaturvedi, Advocates.



CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD
HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

ORDER
14.08.2025

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1. It is the case of the Petitioners that the issues, involved in the present petitions, are squarely covered by the Judgment passed by the Apex Court in Union of India and Others vs. Ex. HC/GD Virender Singh, 2022 SCC OnLine SC 1058. Paragraph No.2 of the said judgment dealing with the issues arose in the said judgment reads as under:

“2. These appeals by way of special leave raise three issues, all of which are connected and relate to the Modified Assured Career Progression Scheme, namely:

(a) Whether the MACP Scheme is applicable and to be implemented with effect from 1st January 2006, the date from which the Central Civil Service (Revised Pay) Rules, 2008 were enforced, or in terms of O.M. dated 19th May 2009 with effect from 1st September 2009?

(b) Whether under the MACP Scheme the respondents are entitled to financial upgradation equivalent to the pay scale/grade pay of the next promotional post in the hierarchy, or 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?

(c) Whether the respondents, who belong to the Central Armed Police Forces, are entitled to grant of financial upgradation under the MACP Scheme, if for administrative reasons they were



unable to fulfil the pre-proportional norms?”

2. The first issue has been decided by the Apex Court in the aforesaid judgement holding that the employees would be entitled to MACP from 01.09.2008. Paragraph No.11 and 12 of the said judgment reads as under:

“11. As rightly held in R.K. Sharma (supra), the aforesaid reasoning given in the case of Balbir Singh Turn (supra), in our opinion, has not been accepted by the three Judge Bench decision in the case of M.V. Mohanan Nair (supra), which in clear terms holds grant of financial upgradation under the MACP Scheme is not a matter of pay structure, but an incentive scheme brought into force to relieve stagnation which operates on its own terms. We may add that the pay scales are fixed and revised by the rules which are enacted in exercise of powers conferred by the proviso to Article 309 and clause (5) of Article 148 of the Constitution of India. Therefore, vide Notification dated 29th August 2008, the Central Civil Services (Revised Pay) Rules, 2008 were enacted vide G.S.R. No. 622(E). Rule 1(2) states that the Rules, as enacted, shall be deemed to have come into force on 1st January 2006. The aforesaid Rules neither postulate nor have any provision for grant of financial upgradation under the MACP Scheme. It is to be further noted, and it is an accepted position of both parties, that the MACP Scheme, as implemented, postulates grant of financial upgradation after 10, 20 and 30 years of regular service and not after 8, 16 or 24 years of regular service, as was originally envisaged in terms of Government Resolution dated 30th August 2008, or for that matter, 10 or 20 years of service, as was recommended by the Sixth Central Pay Commission. In our opinion, the Resolution of the Central Government dated 30th August 2008 cannot be read as conferring any right on the government employees. The resolution was



not notified and enforced to confer a legal right. The Office Memorandum dated 19.05.2009 promulgates and operationalises the MACP Scheme with effect from 01.09.2008. The Office Memorandum states that financial upgradations as per the provisions of the earlier ACP Scheme would be granted till 30.08.2008. Further, past cases would not be re-opened and the difference in pay scales on account of grant of financial upgradation under the old ACP Scheme and the MACP Scheme shall not be construed as an anomaly.

12. Learned counsel for the government employees, inspite of being correct that M.V. Mohanan Nair (supra) does not refer to Balbir Singh Turn (supra) and does not overrule it specifically, misses the point that the entire ratio and reasoning given in M.V. Mohanan Nair (supra), as rightly observed in R.K. Sharma (supra), cannot be reconciled with the ratio in Balbir Singh Turn (supra). M.V. Mohanan Nair (supra) has examined the MACP Scheme in depth and detail to settle the controversy, inter alia holding that supersession of the ACP Scheme by the MACP Scheme is a matter of government policy, and that “after accepting the recommendation of the Sixth Central Pay Commission, the ACP Scheme was withdrawn and the same was superseded by the MACP Scheme with effect from 1.9.2008. The ACP Scheme and MACP Schemes were held to be in the nature of incentive schemes to relieve stagnation and not as a part of pay structure, which had revised the pay and the dearness allowance with effect from 1.1.2006. In these circumstances, we do not think a case for reference to a larger Bench of three Judges to reconsider the ratio in the decision of R.K. Sharma (supra) is made out. Therefore, we reject the contention of the learned counsel for the



respondents/government employees for reference of the matter.”

3. It is, therefore, stated by the learned Counsel for the Petitioners that the Special Leave to appeal bearing No.20156/2023 pending before the Apex Court challenging the judgment dated 29.07.2022 passed by this Court in W.P.(C)7792/2020 is immaterial.
4. Learned Counsel for the Union of India is directed to take instructions on the aforesaid.
5. List on 03.09.2025 at 04:00 PM.

SUBRAMONIUM PRASAD, J

VIMAL KUMAR YADAV, J

AUGUST 14, 2025

S. Zakir