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

+ CONT.CAS(C) 1503/2023 AND CM APPL. 63141/2023 & CM
APPL. 16557/2024
JAGAT SINGH Petitioner

Through: Mr. S. K. Gupta, Advocate (*through
video conferencing*).

versus

SANJAY KUMAR AND ANOTHER Respondents

Through: Ms. Manisha Agrawal Narain, CGSC
with Mr. Sandeep Singh Somaria, Mr.
Khushi Mangla, Advocates.
Ms. Vidyawati, US, MoE, DAE,
Addl. Incharge.

+ W.P.(C) 7167/2023 & CM APPL. 27929/2023 (Stay)
UNION OF INDIA AND ORS. Petitioners

Through: Ms. Manisha Agrawal Narain, CGSC
with Mr. Sandeep Singh Somaria, Mr.
Khushi Mangla, Advocates.
Ms. Vidyawati, US, MoE, DAE,
Addl. Incharge.

versus

JAGAT SINGH Respondent

Through: Mr. S. K. Gupta, Advocate (*through
video conferencing*).

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

18.03.2024

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1. Having heard the learned counsel for the parties, we find that



the controversy between the parties appears to be regarding the manner in which the benefits of MACP have been extended to the petitioner. A perusal of the chart filed by the respondent as Annexure R-3 to CM APPL. 16557/2024 shows that the respondents have, after granting the petitioner the correct pay of Rs. 19,780/- with grade pay of Rs.4600/- on 01.07.2008, straightway proceeded to grant him the grade pay of Rs. 4800/- as 2nd MACP w.e.f. 01.09.2008, without granting him the benefits of 1st ACP.

2. The submission of learned counsel for the petitioner is that this entry of grade pay of Rs. 4800/- w.e.f. 01.09.2008 which is being reflected as the benefit of 2nd MACP was, in fact, required to be treated as the 1st MACP and, therefore, the petitioner was entitled to receive the benefits of 2nd MACP with the grade pay of Rs. 5400/- w.e.f. 01.09.2018.

3. Having perused the aforesaid chart, we are *prima facie* inclined to agree with the petitioner and, therefore, grant the respondent three weeks' time to examine this aspect and come back with complete instructions.

4. List on 3rd April 2024.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

MARCH 18, 2024

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