



2026:DHC:9221-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
# **CNR No. DLHC010496422026**  
+ **W.P.(C) 15236/2026, CM APPL. 71563/2026, CM APPL. 71564/2026 & CM APPL. 71565/2026**

**UNION OF INDIA AND ORS** .....Petitioners  
Through: Mr. Mukul Singh, CGSC with  
Mr. Aryan Dhaka and Ms. Priyal Goswami,  
Advs.

versus

**CHANDRA PAL SINGH AND ORS.** .....Respondents  
Through:

**CORAM:**  
**HON'BLE MR. JUSTICE C. HARI SHANKAR**  
**HON'BLE MS. JUSTICE NIVEDITA ANIL SHARMA**

**JUDGMENT (ORAL)**

% **13.10.2026**

**C. HARI SHANKAR, J.**

1. This writ petition assails judgment dated 7 August 2025 passed by the Central Administrative Tribunal<sup>1</sup>, whereby OA 2143/2021, filed by the respondents before the Tribunal, has been allowed.

2. The Tribunal has identified, in para 2.1 of the impugned judgment, the precise issue arising before it as “whether the training period undergone by the applicants, who were initially appointed as Junior Engineers in the Railways, ought to be counted for the purpose of computing the qualifying service for the Modified Assured Carrier



2026:DHC:9221-DB



Progression<sup>2</sup> Scheme benefits”.

3. The respondents were selected and appointed as Junior Engineers and, thereafter, sent for training, following which they were regularised. The dates of their appointment, completion of training and regularisation have been annexed by the petitioner in tabular form as Annexure P-3, from which we extract the relevant columns thus:

| S.N. | Name                  | Date of Appointment | Date of Completion of Training | Date of Regularization |
|------|-----------------------|---------------------|--------------------------------|------------------------|
| 1    | Chandra Pal Singh     | 05.04.1988          | 29.03.1990                     | 30.03.1990             |
| 2    | Shiv Lal              | 02.03.1988          | 29.03.1990                     | 30.03.1990             |
| 3    | M.K. Jha              | 27.02.1988          | 15.03.1990                     | 16.03.1990             |
| 4    | Shailendra Singh      | 22.02.1988          | 15.03.1990                     | 23.03.1990             |
| 5    | Sanjay Mathur         | 26.02.1988          | 15.03.1990                     | 22.03.1990             |
| 6    | Randhir Singh         | 26.02.1988          | 15.03.1990                     | 21.03.1990             |
| 7    | Raju Nalewal          | 16.03.1988          | 29.03.1990                     | 30.03.1990             |
| 8    | Milind Kumar          | 14.02.1988          | 15.03.1990                     | 21.03.1990             |
| 9    | Nabab Singh           | 26.02.1988          | 15.03.1990                     | 21.03.1990             |
| 10   | Sh. Chandransh Pandey | 04.07.1988          | 27.07.1990                     | 27.07.1990             |
| 11   | Sushil Kumar Singh    | 14.08.1983          | 31.10.1985                     | 01.11.1985             |
| 12   | Ashok Kumar           | 27.08.1985          | 28.07.1986                     | 30.07.1986             |
| 13   | Omprakash             | 08.10.1985          | 10.11.1986                     | 12.11.1986             |
| 14   | Sanjay Kumar          | 08.10.1985          | 10.11.1986                     | 12.11.1986             |
| 15   | K.K. Sharma           | 08.10.1985          | 10.11.1986                     | 12.11.1986             |
| 16   | Brijpal               | 04.10.1985          | 10.11.1986                     | 12.11.1986             |
| 17   | Satyaprasad           | 08.10.1985          | 10.11.1986                     | 12.11.1986             |
| 18   | Syed Kazim Raza       | 08.10.1985          | 10.11.1986                     | 12.11.1986             |
| 19   | Satya prakash         | 26.09.2005          | 25.09.2006                     | 11.10.1986             |
| 20   | Mohmmad Ilias         | 25.02.1986          | 24.02.1987                     | 27.03.1987             |
| 21   | R.S. Gill             | 13.05.1987          | 14.07.1988                     | 14.07.1988             |
| 22   | Rajeev Bharol         | 24.09.1988          | 15.11.1989                     | 15.11.1989             |
| 23   | Narinder Kumar        | 20.05.1987          | 09.05.1988                     | 12.05.1988             |
| 24   | Satish Jindal         | 20.05.1987          | 13.12.1988                     | 13.12.1988             |
| 25   | Parveen Kumar Garg    | 20.05.1987          | 07.07.1988                     | 07.07.1988             |
| 26   | Parkash Kumar         | 04.05.1987          | 04.07.1988                     | 04.07.1988             |

Signature Not Verified<sup>2</sup> “MACP” hereinafter

Digitally Signed By: AWP (C) 15236/2026

KUMAR  
Signing Date: 16.10.2026  
13:23:00

Page 2 of 9



2026:DHC:9221-DB



|    |                      |            |            |            |
|----|----------------------|------------|------------|------------|
| 27 | Vijay Pal            | 15.01.1987 | 09.01.1988 | 15.01.1988 |
| 28 | Pradeep Kumar Saxena | 18.12.1980 | 19.12.1981 | 19.12.1981 |

4. The respondents were granted the benefit of the MACP Scheme, but without treating the period of training undergone by them *after their appointment but before regularisation* as qualifying service for the grant of MACP benefits.

5. Aggrieved thereby, the respondents approached the Tribunal by way of OA 2143/2021, praying for ante-dating of the date from which they were granted MACP benefits, by including, therein, the period during which they were sent on training, between appointment and regularisation.

6. The Tribunal has, by judgment dated 7 August 2025, allowed the OA and has directed as under:

7.1. In view of the above discussions, we hereby quash and set aside the impugned office order dated 16.03.2021 and hold that the applicants are entitled to the benefit of the grant of MACP. Accordingly, we direct the respondents to place the cases of the applicants before the Screening committee for consideration of the grant of MACP. If the applicants are otherwise eligible under the Scheme, they shall be granted the benefit of MACP by counting the service rendered during the training period. All consequential benefits, including arrears, shall follow.

7.2 The aforesaid directions shall be complied with by the respondents within a period of two months from the date of receipt of a certified copy of this order.

7.3 The O.A. is allowed in the aforesaid terms. Pending M.A.s, if any, shall stand disposed of. No costs.”

7. We also deem it appropriate to extract paras 2.4 to 2.10 of the



impugned judgment thus:

“2.4. Learned Counsel further submitted that the issue of inclusion of the training period for ACP/MACP has been settled judicially across multiple forums, with consistent decisions in favour of employees. Notably:

- o Judgment of Hon’ble High Court of Madhya Pradesh at Gwalior in W.P. No. 5415/2007 dated 15.01.2014.
- o Judgment of Hon’ble High Court of Orissa at Cuttack in W.P. (C) No. 18880/2015 dated 02.03.2016 and W.P. (C) No. 6963/2018 dated 03.01.2019.
- o Judgment of Jabalpur Bench of this Tribunal in O.A. No. 339/2006 dated 21.08.2007.

2.5. The aforesaid judgments of Hon’ble High Court were challenged by the Union of India in multiple Special Leave Petitions (SLPs), including SLP (C) No. 28896/2014 and SLP (C) No. 32999/2014, which were tagged and heard together before the Hon’ble Supreme Court.

2.6. The present applicants, being similarly situated, filed I.A. No. 24019/2019 for impleadment in SLP (C) No. 32999/2014. The Hon’ble Supreme Court, vide order dated 22.10.2019, was pleased to dismiss all the SLPs, thereby affirming that the training period is to be included for computing service for ACP.

2.7. It is submitted that the Review Petition filed by the Union of India against the said decision was also dismissed by the Hon’ble Supreme Court on 29.09.2020, thereby reinforcing the binding nature of the earlier decision.

2.8. Pursuant to these decisions, even the Additional Secretary & Legal Advisor, Railway Board, issued an office order directing the implementation of the Hon’ble Supreme Court’s order in rem, confirming its applicability to all similarly placed employees.

2.9. Acting on this, the General Manager, Northern Railways, sought legal opinion, and the counsel clearly opined that the benefit of the Hon’ble Supreme Court’s decision should be extended to all eligible employees, including the applicants. However, in a completely arbitrary and discriminatory move, the respondents issued an impugned order dated 16.03.2021, stating that the Hon’ble Supreme Court’s judgment shall apply only to the respondents therein and shall not be treated as a precedent, thus



denying the applicants the benefit of settled law.

2.10. Learned counsel further submitted that recently, the Cuttack Bench of this Tribunal has once again reaffirmed this settled legal position in:

- OA No. 260/00485/2021, decided on 15.11.2023, and
- OA No. 122/2022, decided on 02.01.2024, holding that training period is to be counted for computing service under MACP.”

8. The Tribunal has held that, as the issue in controversy stood settled up to the Supreme Court, following the decision in ***State of Karnataka v. C. Lalita***<sup>3</sup> and ***State of Uttar Pradesh v. Arvind Kumar, Srikant Srivastava***<sup>4</sup>, the respondents could not be denied the benefits of said decisions even they were not parties thereto. This view has been expressed in para 6.2 of the impugned judgment, which reads as under:

“6.2 The Apex Court in ***State of Karnataka Vs. C. Lalitha*** and ***State of Uttar Pradesh Vs. Arvind Kumar Srivastava*** has held that service jurisprudence evolved by it from time to time postulates that all persons similarly situated should be treated similarly; only because one person has approached the Court does not mean that persons similarly situated should be treated differently; justice demands that a person should not be allowed to derive any undue advantage over other employees; the normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit; not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India; this principle needs to be applied in service matters more emphatically as the service jurisprudence evolved from time to time postulates that all similarly situated persons should be treated equally; this principle is subject to well-recognized exceptions in the form of delays/laches/acquiescence; persons who did not challenge wrongful action in their case and woke up after a long delay, such employees cannot claim that the benefit of the judgment rendered

<sup>3</sup> (2006) 2 SCC 747

<sup>4</sup> (2015) 1 SCC 347



2026:DHC:9221-DB



in the case of similarly situated persons be extended to them and delays/laches/acquiescence would be a valid ground to dismiss their claim.”

9. The Ministry of Railway has assailed the aforesaid decision dated 7 August 2025 of the Tribunal before us by means of the present writ petition.

10. We have heard Mr. Mukul Singh, learned CGSC for the petitioner.

11. Mr. Singh has drawn our attention to the order passed by the Supreme Court on 22 October 2019 in ***Union of India v. Ashok Kumar Barik***<sup>5</sup>, to which para 2.5 of the impugned judgment makes reference. The order reads thus:

“ORDER

SLP (C) D. No .28896/2019, SLP (C) No. 32999/2014, SLP (C) No. 33184/2016, SLP (C) No. 851/2017, SLP (C) No. 10820/2017, SLP(C) No. 34915-34923/2017, SLP (C) No. 824/2018, SLP (C) No. 8102/2018, SLP (C) No. 22186-22188/2018

Delay condoned.

We find no ground to interfere with the impugned order(s) passed by the High Court on the ground that the petitioners were given the regular pay-scale and the increments were also given to them right from day one. Even during the training period, increments were given to them. We have considered the policy pertaining to ACP. On perusal of the same, we find no ground to deny the benefit of training period, *which was after appointment*. The Special Leave Petitioners are, accordingly, dismissed.

Pending interlocutory applications(s), if any, is/are disposed of.”

(Emphasis supplied)



12. Mr. Singh sought to distinguish the decision of the Supreme Court on two grounds. He first sought to submit that, in the case before the Supreme Court, the training period was undergone after appointment, whereas, in the present case, it was undergone before appointment.

13. On his attention being invited to Annexure P-3, which clearly indicates that the respondents were sent on training *after appointment, but before regularisation*, Mr. Singh fairly acknowledges that this submission may not have been wholly correct.

14. Mr. Singh, nonetheless, submits that the order passed by the Supreme Court was distinguishable as it deals with the Assured Career Progression<sup>6</sup> Scheme, whereas the present proceedings are related to the MACP Scheme. He relies on Clause 9 of the Annexure to the Railway Board circular dated 10 June 2009, which adopted the MACP Scheme in the Railway Board, and which reads thus:

“9. ‘Regular service’ for the purpose of the MACPS shall commence from the date of joining of a post in direct entry grade on a regular basis either on direct recruitment basis or on absorption/re-employment basis. Service rendered on adhoc/contract basis before regular appointment on pre-appointment training shall not be taken into reckoning. However, past continuous regular service in another Government/Department in a post carrying same Grade Pay prior to regular appointment in a new Department without a break, shall also be counted towards qualifying regular service for the purpose of MACPS only (and not for the regular promotions). However, benefits under the MACPS in such cases shall not be considered till the satisfactory completion of the probation period in the new post.”



15. We do not find that Clause 9 of the Annexure to the terms and conditions of the MACP Scheme in anyway rendered the order passed by the Supreme Court inapplicable in the present case. Clause 9 stipulates that, for the purposes of the MACP Scheme, regular service would commence from the date of joining of a post in direct entry grade on regular basis either on direct recruitment or on absorption/re-employment, and goes on to state that *service rendered on ad hoc or contract basis before regular appointment on pre-appointment training* would not be taken into reckoning. It does not, therefore, state that pre-regularisation training, after appointment but before regularisation, would not be included as qualifying service for the purposes of MACP Scheme.

16. The training in question in the present case was not undergone prior to appointment. Neither was the service rendered by the respondents before regularisation in any way *ad hoc* or on contract basis. The respondents were appointed and, *after appointment*, were sent for training. As such, the training was in the nature of post appointment training and not pre appointment training.

17. We may also note that the fact that the training was undergone by the employee after appointment has been specifically noted by the Supreme Court as one of the factors which has persuaded the Supreme Court to dismiss the SLP in the case of **Ashok Kumar Barik**, *vide* its order dated 22 October 2019.

18. We, therefore, are of the opinion that the Tribunal was correct



2026:DHC:9221-DB



in extending, to the respondents, the benefit of law as declared by the various judicial authorities already cited *supra* and as finally affirmed by the Supreme Court by its order dated 22 October 2019 in **Ashok Kumar Barik**. We clarify that the benefit of the said order cannot be denied merely on the ground that the scheme in question is the MACP Scheme and not the ACP Scheme.

19. For the aforesaid reasons, we do not find any ground to interfere with the impugned judgment of the Tribunal which is, therefore, affirmed in its entirety.

20. This writ petition is, accordingly, dismissed in *limine*.

**C. HARI SHANKAR, J.**

**NIVEDITA ANIL SHARMA, J.**

**OCTOBER 13, 2026/AR**