



2025:DHC:10805-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 03.12.2025***

+ W.P.(C) 892/2021 & CM APPLs. 2373/2021, 2375/2021

UNION OF INDIA & ORS.Petitioners

Through: Ms.Radhika Biswajit Dubey,
CGSC, Ms.Gurleen Kaur
Waraich and Mr.Vivek Sharma,
Advs.

versus

OM PAL AND ORS.Respondents

Through: Mr.A.K. Trivedi, Adv.

CORAM:**HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE MADHU JAIN****NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed by the petitioners, challenging the Order dated 31.10.2019 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No.3471/2015, titled ***Om Pal & Ors. v. Union of India & Ors.***, whereby the learned Tribunal allowed the said O.A. filed by the respondents herein, with the following observations and directions:

"5. As several Benches have, after elaborate reasoning allowed the similar cases, as stated above, in view of the same, the instant OA is allowed and impugned orders are set aside. The said posting of the applicants from the post of Checkers to LDCs shall not be treated as promotion, and consequently, the respondents are directed to consider the cases of the applicants for giving ACP/MACP benefits, within two months from the date of



receipt of certified copy of this order.”

2. The learned counsel for the petitioners submits that, in terms of Office Order/Circular bearing No.288/A/NI/Checker dated 06.03.1980, the employees working as Checkers were to be upgraded, in a phased manner, to the post of LDC by treating such upgradation as a promotion. Consequent thereto, promotion orders were issued, one of which is dated 02.12.1980 and pertains to the respondent no.1 herein, clearly indicating that it was a case of promotion. She further places reliance on the Circular dated 18.02.2000 issued by the Ordnance Factory Board, Ministry of Defence, Government of India, clarifying that under the ACP Scheme, Checkers who were promoted as LDCs after the decision to abolish the post, would not be entitled to the benefit of the ACP Scheme, as they had already availed one promotion. She also relies on a Circular dated 'Nil' issued by the Ordnance Factory Board, Calcutta, in this regard. She submits that merely because the benefit of the ACP Scheme has been extended to other employees in compliance with orders passed by the learned Tribunals/High Courts, cannot be a ground to extend similar benefits to the respondents herein in violation of the ACP Scheme.

3. On the other hand, the learned counsel for the respondents submits that, in terms of the Recruitment Rules, there were only two modes of appointment to the post of LDC: 90% by direct recruitment and 10% by promotion from among Group-D employees. The post of Checker was not a feeder post for the LDC; therefore, the appointment of the respondents, who were otherwise Checkers, as LDCs was merely a posting and not a promotion. He submits that other learned

