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

***Date of Decision: 7th September, 2026.***

\# **CNR No. DLHC010197442019**

\+ W.P.(C) 4314/2019

PRADEEP KUMAR .....Petitioner

Through: Mr. M.K. Bhardwaj and Ms. Sakshi Sangat, Advocates.

versus

UNION OF INDIA AND ORS. .....Respondents

Through: Mr. Kamal Kant Jha, CGSC with Mr. Nikhil Pandey and Ms. Aakriti, Advocates for UOI.
Mr. Ripudaman Bhardwaj, CGSC for UOI.

**CORAM:**
**HON'BLE MR. JUSTICE SANJEEV NARULA**

**JUDGMENT**

**SANJEEV NARULA, J. (Oral):**

1. The Petitioner, Pradeep Kumar, joined the India Government Mint[1], Noida, in April 1988 as Assistant Grade-II in the pay scale of ₹950-1500. Under the Recruitment Rules then in force, the promotional hierarchy comprised Assistant Grade-II, Assistant Grade-I, Junior Technician and Technician, carrying the 4th CPC scales of ₹950-1500, ₹1200-1800, ₹1320-2040 and ₹1350-2200, respectively. The Petitioner was promoted as Assistant Grade-I on an *ad hoc* basis on 23rd November, 1994, and was thereafter regularly promoted to that post with effect from 22nd August,

[1] "the Mint"

1995.

2. With the implementation of the 5th Central Pay Commission[2] with effect from 1st January, 1996, Assistant Grade-I and Junior Technician, which had earlier carried different scales, came to be placed in the common revised pay scale of ₹4000-6000. They nevertheless continued, at that stage, as separate posts in the promotional hierarchy. The counter affidavit records the position thus:

> *"after implementation of 5th CPC, post of Assistant Grade-I and Junior Technician were placed in the same revised Pay Scale of Rs. 4000-6000 with effect from 01.01.1996. However, both the posts were continued to exist at distinct level in the hierarchy and promotion were continued from Assistant Grade-I to Junior Technician in the same pay scale with fixation benefits as per pay rules."*

3. It was in this position that the Petitioner was promoted as Junior Technician on 3rd January, 2003. Thus, although there was a movement from Assistant Grade-I to the higher post of Junior Technician, both posts were by then carrying the same pay scale of ₹4000-6000. The Petitioner was nevertheless granted the fixation benefit admissible on promotion. This fact is specifically relied upon by the Respondents.

4. The matter assumed a different complexion upon implementation of the 6th CPC. Assistant Grade-I and Junior Technician both corresponded to Pay Band-I with Grade Pay ₹2,400. More importantly, the cadre itself was subsequently restructured. By Office Order dated 19th February, 2010, the two posts were formally merged, with retrospective effect from 1st January, 2006, into a single post of Junior Technician. The relevant portion of the order reads:

> *"the following posts in India Government Mint, Noida have been merged*

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[2] "CPC"

*w.e.f. 01.01.2006…"*

and, in relation to the present cadre:

> *"Assistant Gr.-I with Junior Technician — Junior Technician (Tradesmen Cadre) — Rs.5200-20200 — Rs.2400/-."*

The same order stipulated that the merger would not alter inter se seniority and that employees of the lower cadre would be placed below those belonging to the erstwhile upper cadre.

5. In the meanwhile, the Modified Assured Career Progression Scheme had been brought into force with effect from 1st September, 2008, and notified by DoPT on 19th May, 2009. When the cases of employees of the Mint were considered by the Screening Committee in June, 2009, the Committee proceeded on the basis that a second financial upgradation was available to employees who had not earned two promotions during twenty years of regular service.

6. The Petitioner was not granted the second financial upgradation. The Respondents explain in their counter affidavit that the Screening Committee treated his promotion to Assistant Grade-I and his subsequent promotion to Junior Technician as two promotions and, applying paragraph 8 of Annexure-I to MACPS, did not recommend him for the second MACP.

7. Two employees junior to the Petitioner, Mr. Jhandu Singh and Mr. Mritunjai Gaur, stood differently situated in one respect: neither had earned the further promotion to Junior Technician before the merger. Jhandu Singh, appointed on 28th April, 1988 and promoted as Assistant Grade-I on 22nd August, 1995, was granted the second MACP in Grade Pay ₹2,800 with effect from 1st September, 2008. Mr. Mritunjai Gaur, appointed on 9th May, 1988 and promoted as Assistant Grade-I on 9th April, 1996, received the

same benefit from the same date.

8. This created the anomaly which lies at the heart of the present proceedings: the Petitioner, who had received the further promotion to Junior Technician in 2003, continued in Grade Pay ₹2,400 for MACP purposes, while the two juniors who had not received that promotion were placed in Grade Pay ₹2,800 from 1st September, 2008.

9. After Assistant Grade-I and Junior Technician were retrospectively merged from 1st January, 2006, representations were made by employees who had earlier been promoted from Assistant Grade-I to Junior Technician in the same pay scale. They sought exclusion of such promotions while reckoning the number of financial upgradations under MACPS. Significantly, the Respondents themselves acknowledge this sequence in the counter affidavit:

> *"after merging the post of Assistant Grade-I (GP-2400) with Jr. Technician (GP-2400) with effect from 01.01.2006, certain employees who have got promotions in Jr. Technician in same pay scale before merging the posts, represented for ignoring their promotions… and granting them 2nd financial up gradation of Rs. 2800/- with effect from 01.09.2008…"*

The Petitioner's case was accordingly referred by Security Printing & Mining Corporation of India Ltd.[3] for the advice of the Government authorities.

10. The matter was thereafter taken up by the Ministry of Finance with the Department of Personnel and Training[4]. The question placed before DoPT was specific to the Petitioner: whether his second promotion from Assistant Grade-I in the scale of ₹4000-6000 to Junior Technician, also in the scale of ₹4000-6000, could be ignored while granting financial

[3] "SPMCIL"

upgradations under MACPS. DoPT noticed that the two posts had subsequently merged in Grade Pay ₹2,400 and also noticed the resulting position *vis-à-vis* the juniors. Its advice was:

> *"Consequent to the recommendations of 6th CPC, the post of Assistant Gr.I with replacement scale with GP Rs. 2400/- have been merged to Jr. Technician (GP Rs. 2400/-). Hence seniors who earned promotion in the merged scales before 01.01.2006, were placed at a disadvantage position vis-a-vis juniors who are being granted 2nd MACP in the GP Rs. 2800/-. In this case, we may advise the referring department to examine the matter on the analogy of para 5 of Annexure-I of MACPS with regard to ignoring of past promotions granted in the same pre-revised pay scales."*

11. The advice was forwarded by the Ministry of Finance to SPMCIL on 20th June, 2012 with the specific direction that action be taken accordingly. The forwarding letter records:

> *"The matter was taken up with the DOP&T, who have provided advice as in the enclosed sheet. You are requested to take action accordingly."*

SPMCIL, in turn, forwarded the advice to the Mint on 5th September, 2012. This sequence is also expressly admitted in the impugned decision itself.

12. The Mint, however, sought a further clarification on 3rd April, 2013. Its difficulty was that paragraph 5 of Annexure-I illustrated merger with reference to the pre-revised scales of ₹5000-8000, ₹5500-9000 and ₹6500-10500, whereas Assistant Grade-I and Junior Technician had both already been placed in ₹4000-6000 under the 5th CPC. The Mint therefore asked whether paragraph 5 could nevertheless be applied to these cases. The counter affidavit acknowledges that a further exercise was undertaken with reference to the DoPT advice.

13. The Ministry did not depart from its earlier position. By communication dated 2nd June, 2016, it again referred SPMCIL to its letter

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[4] "DoPT"

dated 20th June, 2012 and the enclosed DoPT advice and requested it "to take action accordingly." Thereafter, by communication dated 19th April, 2017, the Ministry stated that DoPT had advised examination of the matter under the provisions of the ACP/MACP Scheme and added that, if any clarification regarding interpretation or application of the Rules was still required, DoPT's opinion could be sought on a self-contained reference specifying the point requiring clarification. It concluded:

> *"You are, accordingly requested to take action as per DoPT's advice."*

The Ministry again referred SPMCIL to the same advice on 13th February, 2018.

14. There was, in the interregnum, a separate rationalisation of the industrial cadre. The erstwhile Junior Technician and Technician posts were upgraded retrospectively from 1st November, 2008, with Junior Technician being placed as Senior Operator in Grade Pay ₹2,800. An Office Order dated 24th August, 2015 accordingly recorded in respect of the Petitioner:

> *"Was drawing less grade pay of Rs.2400/- as on 01.11.2008. Hence, Grade Pay to be elevated to Rs.2800/- from 01.11.2008 with fixation benefit."*

15. This later grant is distinct from the Petitioner's present claim. He seeks Grade Pay ₹2,800 by way of the second MACP from 1st September, 2008, whereas the cadre rationalisation placed him in that Grade Pay only from 1st November, 2008.

16. The distinction has a direct pensionary consequence. The material placed on record shows that the Petitioner and the two juniors opted for pro-rata pensionary benefits in October, 2008. The Petitioner's pension was fixed on the basis of Grade Pay ₹2,400, whereas Mr. Jhandu Singh and Mr.

Mritunjai Gaur had already received Grade Pay ₹2,800 under MACPS from 1st September, 2008. The comparative material records the basic pension of ₹6,610 for the Petitioner as against ₹6,800 for each of the two juniors; after the 7th CPC revision, the corresponding figures are stated to be ₹17,150 and ₹17,950, respectively. The pension records placed on record also show the Petitioner in the 6th CPC pay band with Grade Pay ₹2,400 and Jhandu Singh in Grade Pay ₹2,800.

17. SPMCIL ultimately rejected the Petitioner's claim by its decision dated 15th January, 2019. The decision acknowledged the DoPT advice, but took the view that paragraph 5 did not apply because the illustration under that paragraph referred to the three scales of ₹5000-8000, ₹5500-9000 and ₹6500-10500, whereas Assistant Grade-I and Junior Technician had both been in ₹4000-6000. It further relied upon paragraph 8 of MACPS and FAQ No. 6 on the footing that a promotion earned in the same Grade Pay in the promotional hierarchy under the Recruitment Rules must still be counted.

18. SPMCIL additionally reasoned that the Petitioner's promotion in January, 2003, had been accompanied by a fixation benefit and had been earned under the Recruitment Rules then in force. It therefore treated the second promotion as incapable of being ignored and rejected the request. On the separate plea based upon the juniors drawing higher pay, it invoked paragraph 10 of MACPS, which prohibits stepping-up merely because a junior receives higher pay as a consequence of MACPS. The decision concludes:

> *"Considering the above facts, after duly examining representation of Shri Pradeep Kumar, the Grade pay of Rs.2400 (VI CPC) granted to him by the Unit is in order. Further, the contention of Shri Pradeep Kumar to step up his pay on account of Juniors drawing higher Grade pay due to MACPS is not tenable in the light of para 10 of MACP*

*Scheme."*

19. Respondent Nos. 3 and 5 maintain the same position in their counter affidavit. They contend that the Petitioner had earned two promotions during twenty years of service and was therefore not eligible for the second MACP; that the promotion to Junior Technician, though in the same pay scale, was a promotion to a distinct post under the Recruitment Rules and carried fixation benefit; and that paragraph 8, rather than paragraph 5, governs the situation. At the same time, the counter affidavit expressly admits the subsequent merger of Assistant Grade-I and Junior Technician with effect from 1st January, 2006 and the DoPT advice to examine the case on the analogy of paragraph 5.

***Analysis:***

***Territorial Jurisdiction***

20. Respondent Nos. 3 and 5 object to this Court's territorial jurisdiction on the ground that the Petitioner was appointed and served at the India Government Mint, Noida. They also refer to petitions by other employees of the Noida Mint allegedly dismissed by this Court in 2015 for want of jurisdiction, but have furnished no particulars of those proceedings.

21. The objection overlooks that the impugned decision dated 15th January, 2019 was itself taken by SPMCIL's Corporate Office at New Delhi after considering the Petitioner's case and the communications of the Ministry of Finance and DoPT. The Respondents themselves acknowledge that the Corporate Office is competent to deal with service matters of employees across SPMCIL's nine units. The making of the decision at New Delhi is therefore not an incidental fact. It is that decision which the Petitioner must have set aside to obtain the relief claimed.

22. Article 226(2) of the Constitution confers jurisdiction where a material or integral part of the cause of action arises within the Court's territory. In ***Kusum Ingots & Alloys Ltd. v. Union of India***[5], the Supreme Court drew a distinction between the mere situs of an authority and the place where the order under challenge is actually passed, and recognised that an order passed by an executive authority may give rise to a part of the cause of action at that place. The Full Bench of this Court in ***Sterling Agro Industries Ltd. v. Union of India***[6], reiterated that even if a small part of the cause of action arises within the territorial jurisdiction of the Court, the same would confer jurisdiction, but the Court must nevertheless consider whether, in the facts of the case, it should exercise that jurisdiction having regard to the doctrine of *forum conveniens*.

23. A material part of the cause of action thus arose in New Delhi, where the very decision under challenge was taken after consideration of the Governmental advice which forms the basis of the Petitioner's case. The Petitioner's service at Noida and the operation of the financial consequences there may also confer jurisdiction upon another High Court, but do not exclude this Court's jurisdiction under Article 226(2). Nor do we find sufficient reason to decline jurisdiction on the ground of forum conveniens. The controversy turns substantially upon the construction of the MACP Scheme, the DoPT advice and the decision taken by SPMCIL at New Delhi; it does not involve any factual enquiry which would make the alternate forum materially more convenient. The petition has also remained pending before this Court since 2019. To decline jurisdiction at this stage would, in

[5] (2004) 6 SCC 254
[6] (2011) 181 DLT 658 (LB)

these circumstances, serve little purpose except to prolong a dispute that is otherwise ripe for determination. The objection is accordingly rejected.

***Whether the 2003 promotion is to be ignored under MACPS***

24. On merits, there is no real dispute that the Petitioner's movement from Assistant Grade-I to Junior Technician on 3rd January, 2003 was a promotion under the Recruitment Rules then in force. Nor did the fact that both posts carried the same pay scale of ₹4,000-6,000, by itself, deprive that movement of its promotional character. The Petitioner was also granted the fixation benefit attached to the promotion. The Respondents are therefore right to this extent.

25. That, however, does not answer the question which arises under MACPS. What intervened thereafter is material. Assistant Grade-I and Junior Technician were merged into a single post of Junior Technician carrying Grade Pay ₹2,400, with effect from 1st January, 2006. Thus, when MACPS became operative from 1st September, 2008, the Petitioner's 2003 promotion formed part of his pre-MACPS history and the two posts between which that promotion had taken place had already stood merged.

26. The principal question, therefore, is not whether the Petitioner's movement to Junior Technician in 2003 was a promotion when made; it plainly was. The question is how that promotion is to be reckoned under MACPS after Assistant Grade-I and Junior Technician stood merged with effect from 1st January, 2006: whether it continues to count as a promotion under paragraph 8, as the Respondents contend, or is to be ignored for the purpose of MACPS under paragraph 5.

27. The answer turns upon paragraphs 5 and 8 of Annexure-I to the MACP Scheme. They provide:

> *"5. Promotions earned/upgradations granted under the ACP Scheme in the past to those grades which now carry the same Grade Pay due to merger of pay scales/upgradations of posts recommended by the Sixth Pay Commission shall be ignored for the purpose of granting upgradations under Modified ACPS."*
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> *"8. Promotions earned in the post carrying same Grade Pay in the promotional hierarchy as per Recruitment Rules shall be counted for the purpose of MACPS."*

28. The two provisions address different situations. Paragraph 8 recognises that a promotion does not cease to be one merely because the feeder and promotional posts carry the same Grade Pay. If the movement continues to represent progression through the promotional hierarchy under the Recruitment Rules, it is to be counted. Paragraph 5 addresses the consequence of merger. It requires past promotions or upgradations under the ACP Scheme to be ignored where the grades through which the employee had progressed have subsequently been merged into a common grade. Paragraph 5 thus does not proceed on the footing that the earlier promotion was ineffective or lacking in substance; it assumes a promotion validly earned at the time, but alters the manner in which that promotion is reckoned under MACPS because of the subsequent merger of the grades.

29. This distinction is explained in ***Union of India v. Harbans Lal Verma***[7]. The case concerned the promotional structure of Guards in the Indian Railways, comprising, in ascending order, Goods Guard, Senior Goods Guard, Passenger Guard, Senior Passenger Guard and Mail/Express Guard. Following the 6th CPC, the posts from Senior Goods Guard onwards came to carry the same Grade Pay of ₹4,200, though they continued as distinct posts in the promotional hierarchy with separate responsibilities and

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[7] 2026 SCC OnLine SC 1375

promotional benefits. The Supreme Court held that a movement through such a hierarchy does not cease to be a promotion merely because the Grade Pay remains unchanged, and paragraph 8 therefore continues to operate. At the same time, it upheld the treatment of the movement from Passenger Guard to Senior Passenger Guard as one to be ignored under paragraph 5 because the different pre-revised pay scales attached to those stages had been merged into the common Grade Pay. The decision thus shows that convergence of Grade Pay does not, by itself, erase promotional movement; what paragraph 5 addresses is the effect of merger upon the particular past promotion or upgradation, while paragraph 8 continues to govern promotions which remain countable in the promotional hierarchy.

30. The fact that a promotion preceded MACPS is therefore not, by itself, enough to bring it within paragraph 5. What matters is the effect of the subsequent merger upon that past progression. If the promotion continues to represent movement between distinct rungs of the hierarchy, paragraph 8 requires it to be counted. If the promotional rung itself has been absorbed in the merger contemplated by paragraph 5, the earlier movement is to be left out of account for MACPS. The enquiry must therefore focus on the particular promotion and what became of the grades between which it was earned.

31. In ***Govt. of NCT of Delhi v. S.K. Saraswat***[8], relied upon by the Petitioner, the Court held that paragraph 5 requires past promotions or upgradations to be ignored where the grades concerned have merged, whether by merger of posts or of pay scales. The Court also observed, while considering paragraph 8, that a promotion to the same Grade Pay is not

counted for the purposes of MACPS. That latter observation must, however, be read in light of the subsequent decision of the Supreme Court in *Harbans Lal Verma.* In ***Prabhakar Rao Thanikonda v. Export Inspection Council***[9], the claim under paragraph 5 failed for the opposite reason: the posts of Junior Scientific Assistant and Technical Officer had never in fact been merged by the employer and continued as separate posts under the Recruitment Rules. The distinction is useful. A common or corresponding pay structure does not by itself attract paragraph 5; the merger relied upon must have actually taken effect in the cadre concerned.

32. A similar application of paragraph 5 is found in the decision of the Division Bench of the Punjab and Haryana High Court in ***Union of India v. Shalini Naagi***[10]. There, the respondents had been promoted from the post of Assistant to the post of Office Superintendent. The Court noted that, although the promotion was initially treated as a promotion, the pay scales of the feeder and promoted posts were subsequently merged and the same pay scale was granted to both posts. The Court held that, upon such merger, paragraph 5 of the MACP Scheme came into play and the earlier promotion was required to be ignored for the purposes of MACP. That decision preceded *Harbans Lal Verma* and is relevant here only to this limited extent: a promotion which was valid when earned may nevertheless cease to count as a separate progression under MACPS if the levels through which it occurred are subsequently absorbed in a merger.

33. The facts here must be tested against that distinction. In 2003, Assistant Grade-I and Junior Technician were separate posts in the

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[8] W.P.(C) 9266/2015, decided on 9th May, 2016.
[9] LPA 419/2023, decided on 7th November, 2023.

promotional hierarchy. Both carried the 5th CPC pay scale of ₹4,000-6,000, but the Recruitment Rules treated Junior Technician as the higher post and the Petitioner received the fixation benefit upon promotion. Had the matter rested there, paragraph 8 would have presented a straightforward answer. It did not. The two posts were subsequently merged and redesignated as a single post of Junior Technician, with the merger made effective from 1st January, 2006. Thus, by the time MACPS took effect on 1st September, 2008, the two posts between which the Petitioner had moved in 2003 already stood merged into one.

34. The Respondents emphasise that the Recruitment Rules were not contemporaneously amended and continued to show Assistant Grade-I and Junior Technician as separate levels. That circumstance establishes why the movement in 2003 was a promotion when it occurred; it does not, by itself, answer how that promotion is to be reckoned after the merger. Paragraph 5 necessarily operates upon promotions which were validly earned in the past. If the fact that the promotion had been made under the then existing Recruitment Rules were conclusive by itself, there would be little room for paragraph 5 to operate upon a past promotion at all. The fixation benefit received by the Petitioner stands on the same footing. It confirms the character of the movement in 2003, but does not determine the separate question of its treatment under MACPS after the merger.

35. There is, however, a feature of this case which takes the matter beyond the general principles in paragraphs 5 and 8. The Petitioner's case does not fit the illustration to paragraph 5 exactly. Assistant Grade-I and Junior Technician were already carrying the same 5th CPC scale of ₹4,000-

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[10] 2026 SCC OnLine P&H 10015

6,000 before the 2003 promotion; what followed under the 6th CPC regime was the merger of the posts themselves. It was precisely this position which was referred to DoPT. The reference recorded that the feeder and promotional posts had been in the same scale after the 5th CPC, that promotions had continued between them, and that the two posts were thereafter merged and redesignated as Junior Technician in Grade Pay ₹2,400. On those facts, DoPT advised that the matter be examined "on the analogy of para 5 of Annexure-I of MACPS with regard to ignoring of past promotions granted in the same pre-revised pay scales."

36. That advice assumes significance. Paragraph 9 reserves questions concerning the interpretation and scope of MACPS to DoPT, and *Harbans Lal Verma*, following ***Union of India v. M.V. Mohanan Nair***[11], treats DoPT clarifications as integral to the Scheme and binding on the authorities administering it. Here, the advice was rendered on the Petitioner's own service history, with the common ₹4,000-6,000 scale expressly before DoPT. Though it did not direct grant of the second MACP, it advised examination of the case on the analogy of paragraph 5 and thereby identified the principle applicable to this particular merger.

37. Seen in this light, the principal reason in the impugned decision cannot be sustained. SPMCIL treated the three scales mentioned in the illustration to paragraph 5 as though they exhausted the provision. They do not. The illustration explains the operation of paragraph 5; it does not confine it to those scales. DoPT had, in fact, considered the Petitioner's ₹4,000-6,000 scale and nevertheless advised examination of the case on the analogy of paragraph 5. The Ministry thereafter asked SPMCIL to act on

that advice and, if doubt remained, to seek further clarification from DoPT. No contrary clarification was obtained.

38. Nor does the fixation benefit granted in 2003 alter this conclusion. It confirms only that the movement to Junior Technician was a genuine promotion when made, a point not in dispute. The issue under paragraph 5 is different: how that past promotion is to be reckoned after the posts themselves stood merged. *Harbans Lal Verma* recognises that, within the same promotional structure, some movements may remain countable under paragraph 8 while another may be ignored under paragraph 5. The increment accompanying the Petitioner's promotion cannot, therefore, by itself exclude the operation of paragraph 5.

39. Paragraph 8 is therefore not conclusive in the facts of the case. It confirms that the movement in 2003 was a promotion when made, but paragraph 5 governs its treatment after the two posts stood merged. Accordingly, for determining the Petitioner's entitlement under MACPS, the promotion dated 3rd January, 2003 must be ignored.

40. The Respondents have also relied upon paragraph 10 of the Scheme to contend that no stepping-up can be claimed merely because a junior receives a higher Grade Pay under MACPS. There is no difficulty with that proposition, but it does not answer the present claim. The Petitioner's entitlement is not being recognised because Mr. Jhandu Singh and Mr. Mritunjai Gaur received Grade Pay ₹2,800. Their position only brings out the consequence of counting the Petitioner's 2003 promotion differently. Indeed, that disparity was itself noticed by DoPT while examining his case. The entitlement found above rests upon the treatment of the 2003 promotion

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[11] (2020) 5 SCC 421

under paragraphs 5 and 8, and not upon a claim for parity with his juniors.

41. Paragraph 11, which provides against reopening past cases, is equally inapposite. Nothing in the present decision reopens or unsettles the promotion granted to the Petitioner in 2003 or the fixation benefit which followed. The question is confined to how that promotion is to be reckoned for a benefit which became available under MACPS from 1st September, 2008, after Assistant Grade-I and Junior Technician had already stood merged with effect from 1st January, 2006. Ignoring the promotion for that limited purpose does not undo the promotion itself.

***Relief***

42. Once the promotion of 3rd January, 2003, is left out of account for MACPS, the basis on which the Screening Committee denied the Petitioner the second financial upgradation disappears. The Committee proceeded on the footing that employees who had not secured two promotions during twenty years of regular service were entitled to the second financial upgradation. The Petitioner was denied that benefit because the 2003 promotion was counted as his second promotion. No other ground of ineligibility has been pleaded or shown. He is therefore entitled to the second financial upgradation in Grade Pay ₹2,800 with effect from 1st September, 2008.

43. The petition is, accordingly, allowed. The decision dated 15th January, 2019 and the consequential communication dated 22nd January, 2019 are set aside insofar as they reject the Petitioner's claim for the second financial upgradation under MACPS. For the limited purpose of reckoning his entitlement under MACPS, his promotion from Assistant Grade-I to Junior Technician on 3rd January, 2003 shall be ignored in view of the subsequent

merger of the two posts with effect from 1st January, 2006. The promotion and the benefits already accrued thereunder shall otherwise remain unaffected.

44. The Respondents shall grant the Petitioner the second financial upgradation under MACPS in Grade Pay ₹2,800 with effect from 1st September, 2008, refix his pay accordingly, and give consequential effect to his pro-rata pension with effect from 1st November, 2008 and its subsequent revisions. The Grade Pay of ₹2,800 already granted from 1st November, 2008 pursuant to cadre rationalisation shall be duly accounted for, so that there is no duplication of fixation or monetary benefit.

45. The necessary orders, including revision of the pension payment authority, shall be issued within eight weeks from today. Consequential arrears, after adjustment of amounts already paid, shall be released within four weeks thereafter.

46. The writ petition is accordingly disposed of, along with the pending applications, if any.

**SANJEEV NARULA, J**

**SEPTEMBER 7, 2026**

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