



2026:DHC:5206-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 19.05.2026
Judgment pronounced on: 01.07.2026
Judgment uploaded on: 01.07.2026

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W.P.(C) 11965/2023
RAM NARESH TIWARI AND ORSPetitioners

versus

UNION OF INDIA AND ORSRespondents

+

W.P.(C) 11725/2022
VIJAY PALPetitioner

versus

UNION OF INDIA & ORS.Respondents

+

W.P.(C) 14249/2024
RAMNIVAS RAWAT AND ORS.Petitioners

versus

UNION OF INDIA AND ORS.Respondents

+

W.P.(C) 14260/2024
AYODHYA KARMAKAR AND ORS.Petitioners

versus

UNION OF INDIA AND ORS.Respondents

+

W.P.(C) 14319/2024
BACHCHU SINGH AND ORSPetitioners

versus

UNION OF INDIA AND ORSRespondents



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- + W.P.(C) 14322/2024
AJAY KUMAR JHA AND ORSPetitioners
- versus
- UNION OF INDIA AND ORS.Respondents
- + W.P.(C) 369/2023
DWARPAL SINGH AND ORSPetitioners
- versus
- UNION OF INDIA AND ORSRespondents
- + W.P.(C) 740/2023
RISHIPAL AND ORSPetitioners
- versus
- UNION OF INDIA AND ORSRespondents
- + W.P.(C) 1400/2023
SATYENDRA SINGH AND ORSPetitioners
- versus
- UNION OF INDIA AND ORSRespondents
- + W.P.(C) 1426/2023 & CM APPL. 68877/2024
RANBIR SINGHPetitioner
- versus
- UNION OF INDIA AND ORSRespondents
- + W.P.(C) 1529/2023
CHANDRA PAL SINGH AND OTHERSPetitioners
- versus



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UNION OF INDIA AND ORSRespondents

+ W.P.(C) 1531/2023
SOHAN DASS AND ORSPetitioners

versus

UNION OF INDIA AND ORSRespondents

+ W.P.(C) 1536/2023
VAZIR SINGH AND OTHERSPetitioners

versus

UNION OF INDIA AND ORSRespondents

+ W.P.(C) 1537/2023 & CM APPL. 18159/2026
VIJAY SINGH AND ORS.Petitioners

versus

UNION OF INDIA AND ORSRespondents

+ W.P.(C) 1538/2023
N RAJAGOPAL AND ORSPetitioners

versus

UNION OF INDIA AND ORSRespondents

+ W.P.(C) 1539/2023
DHARAM PAL AND ORSPetitioners

versus

UNION OF INDIA AND ORSRespondents

+ W.P.(C) 1545/2023
BASAU SINGH AND OTHERSPetitioners



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versus

UNION OF INDIA AND ORS

.....Respondents

+ W.P.(C) 1555/2023
ANOOP SINGH AND ORS

.....Petitioners

versus

UNION OF INDIA AND ORS

.....Respondents

+ W.P.(C) 1557/2023
MANNA RAM

.....Petitioner

versus

UNION OF INDIA AND ORS.

.....Respondents

+ W.P.(C) 1561/2023
GIRRAJ SINGH AND OTHERS

.....Petitioners

versus

UNION OF INDIA AND ORS

.....Respondents

+ W.P.(C) 1573/2023
ASHOK KUMAR AND OTHERS

.....Petitioners

versus

UNION OF INDIA AND ORS

.....Respondents

+ W.P.(C) 8121/2023
SURAM SINGH AND ORS.

.....Petitioners

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UNION OF INDIA AND ORS.

.....Respondents



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- + W.P.(C) 1572/2023
SURESH AND ORS.Petitioners
- versus
- UNION OF INDIA AND ORS.Respondents
- + W.P.(C) 1578/2023
GANESH DUTT GAUTAM AND OTHERS.....Petitioners
- versus
- UNION OF INDIA AND ORSRespondents
- + W.P.(C) 1680/2023
RAMBIR SINGH AND ORS.Petitioners
- versus
- UNION OF INDIA AND ORSRespondents
- + W.P.(C) 7231/2023
PASAM BALARAJU AND ANRPetitioners
- versus
- UNION OF INDIA AND ORSRespondents
- + W.P.(C) 7346/2023
RAM KISHANPetitioner
- versus
- UNION OF INDIA AND ORSRespondents
- + W.P.(C) 7355/2023
GILLEDUDINNE MAREPPA AND ORSPetitioners
- versus



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UNION OF INDIA AND ORS

.....Respondents

+ W.P.(C) 7365/2023
MD. NABI SAHEB AND ORS

.....Petitioners

versus

UNION OF INDIA AND ORS

.....Respondents

+ W.P.(C) 8069/2023
SIKANDER SINGH AND ORS.

.....Petitioners

versus

UNION OF INDIA AND ORS.

.....Respondents

+ W.P.(C) 8074/2023
SAHADAT KHAN AND ORS.

.....Petitioners

versus

UNION OF INDIA AND ORS.

.....Respondents

+ W.P.(C) 8120/2023
KARTIK ORAON AND ORS

.....Petitioners

versus

UNION OF INDIA AND ORS

.....Respondents

+ W.P.(C) 8122/2023
LAKHI CHAND AND ORS.

.....Petitioners

versus

UNION OF INDIA AND ORS.

.....Respondents

Appearances:

For Petitioners: Mr. Ankur Chhiber, Advocate in W.P.(C)
11965/2023.



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Dr. SS Hooda, Advocate in W.P.(C) 11725/2022.

Ms. Asha Jain Madan and Mr. Mukesh Jain, Advocates for Petitioners in W.P.(C) 14249/2024, 14260/2024, 14319/2024, 14322/2024, 369/2023, 740/2023, 1400/2023, 1426/202, 1529/2023, 1531/2023, 1536/2023, 1537/2023, 1538/2023, 1539/2023, 1545/2023, 1555/2023, 1557/2023, 1561/2023, 1573/2023, 8121/2023, 1572/2023, 1578/2023, 1680/2023, 8069/2023, 8074/2023, 8120/2023, 8122/2023.

Mr. Akash Mohan, Adv. in W.P.(C) 7231/2023, 7346/2023, 7355/2023, 7365/2023.

For Respondents:

Mr. Vijay Joshi CGSC, Mr. Shubham Chaturvedi, Advocate in W.P.(C) 11725/2022.

Mr. Devendra Singh Dy Jag ITBP in W.P.(C) 11725/2022.

Mr Sandeep Tyagi Adv senior panel counsel UOI in W.P.(C) 14249/2024.

Mr Kamal Kant Jha CGSC with Mr Aishwarya Deep Singh and Ms Aakriti Advocates in W.P.(C) 14260/2024.

Mr. Ravi Kant Srivastava (Senior Panel Counsel) with Mr. Robert Laishram, Advocate in W.P.(C) 14319/2024.

Mr J K Tripathi SPC for UOI in W.P.(C) 14322/2024.

Mr. Himanshu Pathak, SPC along with Mr. Mohit Gupta, Advocates in W.P.(C) 369/202.

Mr. Naginder Benipal, SPC, Mr. Ankit Siwach, Mr. Udit Vagela, Mr. Arjun Baliyan, Mr. Saarthak Sethi, Mr. Jaskaran Singh, Advocates for UOI in W.P.(C) 740/2023, 1539/2023, 7346/2023.



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Mr. Vedansh Anand (SPC) with Mr. Kush Garg, Advocate in W.P.(C) 1426/2023.

Mr. Anshuman, SPC for UOI in W.P.(C) 1529/2023.

Mr. Vikas Kr. Sharma, Senior Central Govt. Counsel in W.P.(C) 1531/2023.

Mr. Raghvendra Shukla SPC, Mr. Anil Devlal GP, Mr. Manu Shukla Advocate in W.P.(C) 1536/2023.

Mr. Krishna Kumar Sharma, SPC with Mr. Anil Devlal, GP in W.P.(C) 1537/2023.

Dr. Vijendra Singh Mahndiyan, CGSC with Mr. Vaibhav Singh, Advocate in W.P.(C) 1545/2023, 1557/2023.

Dr. B. Ramaswamy CGSC in W.P.(C) 1573/2023.

Mr Balendu Shekhar CGSC with Mr. Krishna Chaitanya and Mr. Divyansh Singh Dev Advocates in W.P.(C) 8121/2023.

Mr. Ripudaman Bhardwaj, CGSC, with Mr. Kushagra Kumar and Mr. Amit Kumar Rana, Advocates in W.P.(C) 1572/2023.

Mr. Amit Tiwari, CGSC, Ms. Ayushi Srivastava, Mr. Arpan Narwal, Mr. Kushagra Malik, Mr. Ujjwal Tyagi, Advocates in W.P.(C) 1578/2023.

Mr. Vikrant Nilesh Goyal, Mr. Jaswant Rao Agarwal, Mr. Yash Basoya, Mr. Inderpreet Singh, Mr. Kunal Dixit, Advocates in W.P.(C) 7231/2023.

Mr. Amit Tiwari, CGSC, Ms. Ayushi Srivastava, Mr. Arpan Narwal, Mr. Kushagra Malik, Mr. Ujjwal Tyagi, Advocates in W.P.(C) 8069/2023.

Ms. Pratima N Lakra CGSC, Mr. Shailendra Kumar Mishra, Ms. Upanita Soumyadarshni Ms. Indu, Advocates Mr. Jitendra Kumar Mishra BSF in W.P.(C) 8074/2023.

Ms. Neha Rastogi (Sr. Panel Counsel), Mr. Animesh Rastogi, Mr. Rajat Dubey,



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Advocates in W.P.(C) 8120/2023.

Ms. Arunima Dwivedi CGSC with Ms. Himanshi Singh, Ms. Monalisha Pradhan Advocates in W.P.(C) 8122/2023.

Mr. Gaurav Sharma, SPC with Ms. Manpreet Kour, Adv. in W.P.(C) 1538/2023.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T

ANIL KSHETARPAL, J.:

1. The present batch of 33 Writ Petitions, in substance, call in question certain clauses of Modified Assured Career Progression Scheme ('MACPS'), in as much as, it provides financial upgradation only to the next higher Grade Pay and not to the Grade Pay corresponding with the next higher promotional rank.

2. The Petitioners contend that while the introduction of Assured Career Progression Scheme ('ACPS') effectively removed stagnation in service by granting timely financial upgradations, the implementation of MACPS, again restored this stagnation within the financial pay structure, thereby defeating the object for which the Scheme had initially been conceived.

3. Since all the present Writ Petitions raise a common foundation of challenge, they were heard together and are being decided by this common judgment.

4. The ACPS was introduced by the Government of India *vide* Office Memorandum ('OM') dated 09.08.1999 pursuant to the recommendations of the Fifth Central Pay Commission ('CPC') in



order to address stagnation and hardship faced by employees due to lack of promotional avenues. The Scheme envisaged two financial upgradations on completion of 12 and 24 years of regular service, in case, where no regular promotion had been earned. Such upgradation was purely financial and personal to the employee, neither amounting to regular promotion nor affecting the cadre status or *inter se* seniority.

5. Subsequently, upon the recommendations of Sixth CPC, the Government introduced MACPS *vide* OM dated 19.05.2009, in supersession of the ACPS, with effect from 01.09.2008. However, the revised regime prescribed three financial upgradations upon completion of 10, 20 and 30 years of regular service in the absence of promotion, by granting placement in the immediate next higher Grade Pay under the Central Civil Services (Revised Pay) Rules, 2008 [hereinafter referred to 'Rules of 2008'].

6. It becomes apposite to note that, it is not for the first time that the MACPS, has seen the light of Court, thereby inviting judicial scrutiny. The Supreme Court in *Union of India & Ors. v. M V Mohanan Nair*¹, has fairly dealt with the question as to whether, under the MACPS, employees are entitled for financial upgradation to the next Grade Pay or to the Grade Pay of the next promotional hierarchy.

7. The Supreme Court, again in *Union of India & Ors. v. Ex.*

¹ (2020) 5 SCC 421



*HC/GD Virender Singh*², revisited the aforesaid question.

8. Once again now, this Court is confronted with a similar question, in view of the foundational arguments of the Petitioners that, although the aforesaid judgments addressed the issues formed therein, the Supreme Court in *Mohanan Nair (Supra)* merely interpreted the MACPS as it stood, while observing that no direct challenge was laid down against the MACPS *per se*.

9. Whereas, in relation to *Virendra Singh (Supra)*, it has been contended that the Supreme Court therein, had merely reiterated the observations made in *Mohanan Nair (Supra)* by reproducing its reasoning, without rendering any independent observations pertaining to the constitutional validity of the MACPS.

10. The controversy essentially revolves around the constitutional validity of certain clauses contained in the OM dated 19.05.2009, introducing the MACPS. It is the case of the Petitioners that said clauses, are violative of Article 14 of the Constitution of India, in as much as it arbitrarily restricts financial upgradation to the immediate next Grade Pay instead of the Grade Pay attached to the next promotional post in the cadre hierarchy, and apply the MACPS retrospectively w.e.f. 01.09.2008 at three intervals of 10, 20 and 30 years.

11. Learned counsel representing the Petitioners, while arguing that the Scheme is arbitrary has raised three grounds:

² 2022 SCC OnLine SC 1058



i. the Government's rationale for introducing MACPS, that ACPS led to unequal benefits for employees in the same pay scale across different organisations, is not a valid basis, as different departments cannot be meaningfully compared;

ii. the prohibition on stepping up under MACPS is in violation of the objectives laid thereunder, since a senior is bound to get more salary,

iii. the retrospective application of the MACPS, w.e.f. 01.09.2008, has unfairly denied financial upgradation to employees who had already completed 24 years of service, making the Scheme arbitrary.

12. In addition to the aforesaid, Mr. Hooda, appearing for one of the Petitioners, has argued that at the time of introduction of the MACPS, departments were given an option to continue with the ACPS. However, their failure to exercise the said option has defeated the legitimate expectations of the Petitioners.

13. Reliance in this regard had been placed on *Kerala State Beverages (M and M) Corporation Ltd. v. P.P. Suresh & Ors.*³; *Grid Corporation of Orissa & Ors. v. Rasananda Das*⁴; and *Venkateshwar Theatre v. State of Andhra Pradesh & Ors.*⁵.

14. *Per contra*, learned counsel representing the Respondent has placed reliance on the judgment of *Mohan Nair (Supra)* and *Union of India v. R.K. Sharma and Ors.*⁶, to argue that the issue being re-

³ (2019) 9 SCC 710

⁴ (2003) 10 SCC 297

⁵ (1993) 3 SCC 677

⁶ (2021) 5 SCC 579



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agitated in the present batch has already been put to quietus by the Supreme Court.

15. Further, reliance has been placed on *Virendra Singh (Supra)*, to argue that the operational applicability of the MACP came to be settled in the aforesaid judgment, with the Supreme Court making the Scheme effective since 01.09.2008 instead of 01.01.2006.

16. Lastly, relying on the Order dated 05.01.2024 in case bearing *W.P.(C) No. 63 of 2024* captioned *Ravish Chander & Ors. v. Union of India & Ors.*, it has been argued that a similar challenge seeking identical reliefs was rejected by this Court.

17. At the outset, we may highlight that, it is a well settled principle that in exercise of writ jurisdiction, constitutional courts do not sit in appeal over the merits of an executive action leading to formulation of a Government Policy. The scope of Judicial Review in cases alike, is merely confined to examining the decision-making process and not substituting the Court's view for that of the competent policy-making authority.

18. While Policy decisions ordinarily merit judicial deference, such restraint is not absolute and the Courts may interfere, where the Impugned Policy suffers from illegality, constitutional infirmity or manifest arbitrariness, thereby violating Article 14 of the Constitution of India. Beyond this limited scrutiny, the adequacy and merits of the Policy remain exclusively within the domain of the executive.

19. Th issues sought to be raised by the Petitioners in the present



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batch, has already been substantially considered by the Supreme Court in *Mohanan Nair (Supra)* and *Virendra Singh (Supra)*. However, since learned counsel representing the Petitioners, have raised concerns with respect to the applicability of the said judgments, this Court proceeds to independently address the specific contentions raised thereof.

20. The core grievance of the Petitioners is essentially directed at the competence of the policy-making authority to structure MACPS in the manner it has been framed. However, such a challenge, in substance, calls upon this Court to re-evaluate the merit of the MACPS itself, which is impermissible in judicial review proceedings.

21. The contention of learned counsel representing the Petitioners that the MACPS defeats the very objective of mitigating financial stagnation by replacing upgradation to the next promotional hierarchy is devoid of merit. The MACPS was introduced pursuant to the specific recommendations of the Sixth CPC, in supersession of the earlier ACPS, with the express object of remedying structural anomalies and inter-departmental disparities which had emerged under the earlier regime.

22. At this stage, it becomes necessary to notice the Policy evolution which culminated in the present framework. The Fifth CPC had structured financial upgradation on the basis of Pay Scales. However, over a period of time, the said structure resulted in the accumulation of anomalies and consequent stagnation in service progression. It is in this backdrop that the Sixth CPC introduced a



paradigm shift by replacing the earlier structure with a system of running Pay Bands under the Rules of 2008.

23. The said reform introduced four distinct running Pay Bands with the objective of simplifying the pay structure, reducing excessive hierarchical layering, addressing pay anomalies, curbing stagnation, and enabling a more flexible and dynamic progression model capable of accommodating performance-linked advancement. These bands were consciously designed with sufficiently wide spans so that, in the normal course, employees do not stagnate at any stage of their service career.

24. The rationale and benefits underlying the system was comprehensively captured by the Sixth CPC, which is reproduced hereinbelow:

“2.2.13 Introduction of running pay bands will have the following benefits :

(i) Since all the pay bands have a long span, the problem of stagnation in a pay scale will be effectively addressed.

(ii) All matters concerning pay fixation at the time of promotion etc., which lead to numerous anomalies will be addressed automatically (since only grade pay will change along with one additional increment at the time of promotion without there being any refixation of salary in the higher grade except when the promotion is from one running scale to another). This will make FRs relating to fixation of pay on promotion (like FR 22), largely redundant.

(iii) Most of the pay scale related anomalies that have been continuing and in fact evolving afresh would be resolved.

(iv) The model will make the Government organization less hierarchical. While, initially grade pay will be payable as per the hierarchy, however, Government will have the flexibility to remove layers by removing specific grade pay. In the longrun the model can be suitably adjusted to remove even the element of grade pay thereby ensuring total delayering of the Government structure facilitating quick decisions and increased output.



(v) The model will facilitate the evolution of the concept of performance related incentives which can be paid as a distinct component as a supplement to the running pay bands.

(vi) Seniority of a post will depend on the grade pay drawn. This will invariably be more for a higher level post. Pay scales will largely become irrelevant for purposes of computing seniority. Thus, the present situation where frequently a junior draws higher salary (albeit in lower pay scale) vis-à-vis his senior because of longer years of service, will no longer be of any essence for purposes of computing seniority.

(vii) Running pay bands will ensure a common hierarchical pattern for the purpose of the modified ACP scheme.”

The aforesaid makes it evident that the shift from a promotional hierarchy-linked model to a Grade Pay based financial upgradation system is founded on a conscious and rational policy decision taken by an expert body.

25. The underlying premise of the Sixth CPC was that the earlier ACPS regime, being closely tied to promotional structures, had resulted in uneven outcomes across similarly placed employees in different departments, thereby creating inter-cadre disparities and inconsistent financial progression despite comparable stagnation periods.

26. Therefore, the MACPS was, specifically designed to address this mischief by adopting a uniform and standardised mechanism of upgradation within the Grade Pay structure, thereby ensuring parity across services and eliminating structural inconsistencies inherent in a promotion linked financial upgradation model.

27. In view of the aforesaid, the challenge of the Petitioners based on violation of Article 14 of Constitution of India, cannot be sustained. Since this Policy choice satisfies the settled parameters of



Article 14 of the Constitution of India, as it is based on an intelligible differentia having a clear rational nexus with the objective of removing stagnation and ensuring administrative uniformity, which was also the objective behind introduction of the ACPS.

28. Similarly, the Petitioners' plea founded on the doctrine of legitimate expectation is equally untenable. The Supreme Court in *State of Jharkhand and Ors. v. Brahmputra Metalics Ltd., Ranchi and Anr.*⁷, has authoritatively held that legitimate expectation is not a substantive enforceable right and operates only within the bounds of reasonableness and fairness. It can be invoked only where its denial results in arbitrariness attracting Article 14 of the Constitution of India.

29. The MACPS is a beneficial Policy adopted by the Government, grounded in expert recommendations and intended to address systemic anomalies, hence, no arbitrariness is made out. In any event, it is well settled that the doctrine of legitimate expectation cannot be invoked to assail a change in Policy in fiscal and service matters, nor can it fetter the executive's authority to restructure service conditions in public interest.

30. Further, the threefold challenge raised by the Petitioners on account of arbitrariness also does not merit acceptance. The contention that inter departmental disparity cannot justify the Policy overlooks the settled principle that classification in service jurisprudence is permissible where it is founded on a rational policy objective and bears nexus with the object sought to be achieved.



31. Likewise, the objection raised against denial of stepping up is equally misconceived, since financial upgradation under MACPS is not a promotion and does not create enforceable parity with promotional hierarchies. Similarly, the challenge laid to the cut-off date of 01.09.2008 is also unsustainable, as fixation of a cut-off date is inherently within the domain of policymaking and cannot be interfered with unless shown to be manifestly arbitrary, which is not the case here. Even otherwise, the operational effect of the MACP has been conclusively dealt in *Virender Singh (Supra)*, thereby holding that it shall be operational w.e.f. 01.09.2008.

32. At this stage, it also becomes apposite to note that the Supreme Court in *Mohan Nair (Supra)* and *Virender Singh (Supra)* has already considered the MACPS and upheld its operational framework. The consistent judicial view is that where an expert body such as the Pay Commission has undertaken a comprehensive evaluation of service conditions and the Government has accepted its recommendations, Courts must exercise restraint unless a clear case of arbitrariness is demonstrated. However, no such case is made out in the present scenario.

33. Notwithstanding the aforesaid, it is important to bear in mind that, in the matter of Policy of State, the Courts are not expected to interfere on the ground that there can be a better or wise Policy. State has a right to change its Policy under changing circumstances and more particularly, in view of the financial constraints.

⁷ (2023) 10 SCC 634



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34. At the cost of repetition, we may also highlight that the Courts do not sit in appeal over a decision of the Government while adopting any Policy. In exercise of its enabling power of judicial review, the Court is expected to apply the test of reasonableness and check arbitrariness and abuse of power. In absence of these conditions, which is also the case herein, the Court is expected to stay its hands from interference.

35. Change of State Policy with respect to payments under ACPS and MACPS in the context of calculation of benefits on the basis of next higher Grade Pay and not to the Grade Pay corresponding with the next higher promotional rank, cannot be interfered with merely because the previous scheme adopted a different yard stick for providing financial upgradation which stood modified in the new scheme.

36. Moreover, as already stated hereinabove, the MACPS has been introduced by the Government on the recommendations of Sixth CPC, which is an Expert Body. The Courts, in absence of expertise in the field, are not expected to interfere. Additionally, the Courts are also not expected to substitute its opinion while exercising power of judicial review.

37. In view of the foregoing, this Court is of the opinion that the Petitioners have failed to disclose any violation of Article 14 of the Constitution of India or any other constitutional guarantee warranting interference in exercise of writ jurisdiction.



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38. Accordingly, the present Writ Petitions are dismissed. The pending applications also stand closed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

JULY 01, 2026

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