

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) 1432/2025

ARUN KUMAR PODDAR

...Petitioner/Appellant(s)

Through: Mr. Kapil Gupta, Advocate
Mr. A. K. Razdan, Advocate

Vs.

**UNION OF INDIA TH. SECRETARY
MINISTRY OF HOME AFFAIRS**

...Respondent(s)

Through: None

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

04.06.2025

1. Heard.
2. The case of the petitioner in nutshell is that he has been in the service of Central Reserve Police Force since long and has been performing his duties to the entire satisfaction of his superiors. That he is presently posted as Inspector (Ministerial) in the office of Deputy Inspector General, group center CRPF Bantalab, Jammu. That previously he came to be placed in the pay grade of Rs. 4800/- vide order dated 31-05-2021, with effect from 22-07-2020. That as per the resolution of the department of expenditure, Ministry of Finance, dated 29-08-2008, he is entitled to be placed in the pay grade of Rs. 5400/- with effect from 22-07-2024, as

according to the said resolution, the said grade is due after four years of service. That despite his becoming eligible to be provided with the non-functional promotion grade pay of Rs. 5400/- on 22-07-2024, the benefit of such upgradation was not given to him to his disadvantage. That he thereafter preferred representation on 24-03-2025, along with relevant judgments passed in respect of the matter by the Hon'ble High Court of Delhi, but his representation still continues to remain undealt with by the respondents. That the respondents are under an obligation to address his representation as per rules and pass a reasoned and speaking order in his case particularly in the light of judgments passed in the identical cases by the Hon'ble High Court of Delhi.

3. The petitioner has accordingly sought for the issuance of writs/directions in the nature of mandamus for commanding the respondents to decide his representation dated 24-03-2025, for grant of the benefit of non-functional upgradation in the grade pay of Rs. 5400/- in Pay Band-3 with effect from 22-07-2024, i.e., date on which he became eligible for such upgradation in the light of the judgment passed by the Hon'ble High Court of Delhi, dated 09-09-2024, in case titled “***Sushil Kumar vs. Union of India***”, with further direction to release the consequential monetary benefits of the said non-functional upgradation.
4. I have heard the learned counsel for the petitioner and considered his submissions.

5. The memo of the petition and the copy of the document forming annexure-I to the petition, has also been perused.
6. In the facts and circumstances of the case, especially having regard to the nature of the relief sought by the petitioner, this Court is of the opinion that as rightly submitted by the learned counsel for the petitioner, the matter can be disposed of even at this threshold stage by passing of such appropriate directions in consonance with law which are not likely to prejudice the legal interests of the other party.
7. Accordingly, the instant petition is disposed of at this stage with the direction to the respondents to accord consideration under law to the representation already moved by the petitioner or to be moved by him regarding the grant of the benefit of non-functional upgradation in the grade pay of Rs. 5400/- in Pay Band-3 with effect from 22-07-2024, within a period of four weeks from the date a copy of this order is left at the office of the respondent No. 2.
8. *Disposed of.*

(MOHD YOUSUF WANI)
JUDGE

JAMMU:
04.06.2025
Akfil Dev