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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3333/2024**

MD. NASIMUDDIN ANSARI Petitioner
Through: **Mr. Tapas Das, Advocate**
versus

UNION OF INDIA AND ORS. Respondents
Through: **Ms. Shubhra Parashar with Mr. Virender Pratap Singh Charak and Mr. Deepesh Chaudhary, Advocates with Mr. Ram Niwas, Subedar for UOI**

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **05.03.2024**

CM APPL. 13746/2024 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(C) 3333/2024

1. This petition has been filed by the petitioner with the following prayers:

A. quash the letter No. 16800/RPSN/2114K/MNA/09/E1D dated 21.02.2022 on the ground that the representation of the petitioner dated 13.01.2022 disposed of illegally and cryptically since the disposal has remained an obscure affair since no reasons have been recorded leading to the demonstration of disclosure of mind so applied while disposing of the representation because of rejection of upgradation of part ACR from 18.09.2000 to 31.03.2001 the Petitioner (now Retd.) will be deprived of NFU w.e.f. 01.07.2006 ;

B. issue writ of mandamus or any other appropriate Writ Order or directions directing the respondents to grant the



benefit of non-functional upgradation with effect from the date of 01.04.2006 along with consequential benefits by holding a review meeting of Screening Committee; pass any other or further orders or directions in favour of the petitioner and against the respondents as this Hon'ble Court may deem fit and proper.

2. During the course of hearing, we have been informed that a contempt petition has been filed by the petitioner for non-compliance of order dated September 20, 2019 in CM APPL. 41040/2019 in W.P. (C) 11767/2016 wherein the petitioner's primary relief for grant of consequential benefits were granted by the Court.
3. Even during the course of hearing, Mr. Das would submit that the prayer for grant of NFU w.e.f. July 1, 2006 is in terms of the order passed by the Court in the aforesaid CM APPL. 41040/2019.
4. If that be so as the petitioner has already filed a contempt petition where he is seeking identical prayer i.e. for grant of NFU as a consequential benefit granted by the Court, we close this petition, by granting liberty to the petitioner to challenge the letter dated February 21, 2022 after the culmination of the contempt proceedings initiated by the petitioner and also if any cause survives for the petitioner in respect of grant of NFU.
5. It is made clear that we have not expressed any opinion on the issue of grant of NFU to the petitioner w.e.f. July 1, 2006.
6. The petition is disposed of.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

MARCH 5, 2024/akr..