



2024:DHC:7452-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 10562/2019

**ALL INDIA ASSOCIATION OF CENTRAL
EXCISE GAZETTED EXECUTIVE
OFFICERS AND ORS.**

.....Petitioners

Through: Ms. Jasvinder Kaur, Adv.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Jitesh Vikram Srivastava
and Mr. Piyush Kaur, Advs.**CORAM:****HON'BLE MR. JUSTICE C. HARI SHANKAR****HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN****ORDER (ORAL)****25.09.2024**

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C. HARI SHANKAR, J.

1. The petitioner is an association of Group-B officers of the CBIC. The petitioner-association instituted OA 3848/2018 before the Central Administrative Tribunal, seeking extension, to the members of the petitioner-association, of the Non-Functional Financial Upgradation (NFU) Scheme. Various grounds have been urged in the petition for justifying the request. Inasmuch as the learned Tribunal has not considered any of the contentions, it is not necessary to reiterate them.

2. The impugned order has dismissed the petitioners' OA on the sole ground that the NFU has been extended only to Group-A Officers, and the question of whether the benefit of the Scheme was required to be extended to any other category of employees was

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“purely on the realm of Government”.

3. With respect, we are of the opinion that the learned Tribunal has not properly appreciated the contentions advanced in the OA. While we do not express any merits on the entitlement of the petitioners to the relief sought by them, it was incumbent on the learned Tribunal to examine the petitioners’ prayer for extension of the benefit of NFU Scheme to Group-B Officers of the petitioner-association on merits, and return a finding of the prayer, one way or the other. That has not been done.

4. For the aforesaid reasons, we are of the opinion that the impugned order cannot be sustained, and is accordingly quashed and set aside. OA 3848/2018 stands remitted to the learned Tribunal for decision afresh in accordance with law, after extending an opportunity to all parties concerned.

5. The petition is allowed to the aforesaid extent.

6. In order to expedite matters, learned Counsel for both sides are directed to appear before the learned Tribunal on 15 October 2024.

C. HARI SHANKAR, J.

DR. SUDHIR KUMAR JAIN, J.

SEPTEMBER 25, 2024/N

Click here to check corrigendum, if any

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