



2025:DHC:1589-DB



\$~43

\*

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

***Date of decision: 10.03.2025***

+

W.P.(C) 3018/2025

GAJENDRA SINGH AND ORS.

.....Petitioners

Through: Mr.Ankur Chhibber and  
Ms.Muskaan Dutta, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr.Avtaar Singh Deol, SPC  
with Ms.Mamta Tiwari, GP for  
UOI

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**NAVIN CHAWLA, J. (ORAL)**

**CM APPL. 14266/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

**W.P.(C) 3018/2025**

2. This petition has been filed by the petitioners, praying for the following reliefs: -

- “i. Issue a Writ of Certiorari for quashing of the letter dated 27.01.2025(Annexure-P1) issued by the Respondents wherein representations dated 23.10.2024 (Annexure-P10) and 29.12.2024 (Annexure-P11) of the Petitioners have denied the benefit of Non-functional Upgradation in the grade pay of Rs.5400/- in an arbitrary and unfair manner; and*
- ii. Issue a Writ of Mandamus directing the*



*Respondents to grant the benefit of Non-functional Upgradation in the Grade Pay Rs.5400/- in Pay Band-3 w.e.f. the date of them being eligible as granted by this Hon'ble Court vide judgment(s) dated 09.09.2024 in W.P.(C) No.690/2022 (Annexure-P8), 14.10.2024 in W.P.(C) No.886/2020 (Annexure-P9) and Judgment dated 06.09.2010 in W.P.(C) No. 13225/2010 (Annexure-P3) passed by the Hon'ble High Court of Madras as upheld by the Hon'ble Supreme Court in Civil Appeal No.8883/2011 vide order dated 10.10.2017 (Annexure-P4) along with arrears, and all other consequential benefits; and"*

3. The learned counsel for the petitioners submits that the case of the petitioners is squarely covered by the Judgment of this Court in ***Sushil Kumar v. Union of India & Ors.***, 2024:DHC:6969-DB. He submits that in spite of the same, by the Impugned Order dated 27.01.2025, the representation of the petitioners has not been considered, solely on the ground that the respondents have not yet received instructions from the Ministry of Home Affairs regarding the implementation on the above judgment.
4. The learned counsel for the respondents, who appear on an advance notice, reiterates the said submission.
5. Taking note of the above submission, we are of the view that the respondents must implement the judgment of this Court in ***Sushil Kumar*** (supra), unless the same has been challenged and an order praying its implementation has been passed by the Supreme Court.
6. In view of the above, we dispose of the present petition by directing the respondents to consider the contents of the present



2025:DHC:1589-DB



petition as a representation of the petitioners. In case the petitioners are found entitled to the relief in terms of our Judgment in ***Sushil Kumar*** (supra), the same should be granted to the petitioners within a period of eight weeks from today. However, if there is any order to the contrary passed by the Supreme Court, as far as ***Sushil Kumar*** (supra) is concerned, our directions would also be equally affected as far as the petitioners are concerned.

7. With the above directions, the present petition is disposed of.

**NAVIN CHAWLA, J**

**MANOJ JAIN, J**

**MARCH 10, 2025/sg/DG**

*Click here to check corrigendum, if any*