



2025:DHC:1761-DB



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

+ **W.P.(C) 3342/2025 & CM APPL. 15783/2025**

BHUWAN CHANDRA KANDPAL AND ORSPetitioners

Through: Mr. Sahil Chandra, Ms. Ananya Singh, Mr. abhinav Kumar and Mr. Jai Singh Saharan, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Nitinja Chaudhary, SPC with Mr. Gokul Sharma, Mr. Rahul Maurya, Advs. for UOI

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

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18.03.2025

C. HARI SHANKAR, J.

1. Both sides submit *ad idem* that this writ petition may be disposed of in terms of order dated 12 February 2025 passed by a Coordinate Division Bench of this Court in WP (C) 1743/2025¹, which reads thus:

“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 22.11.2024 (**Anneure-P1**) and 06.01.25 (**Annexure-P2**) issued by the Respondents wherein representations dated 07.01.2024 (**Annexure-P11**) and 09.12.2024 (**Annexure-P12**) of the Petitioners have been rejected and have denied the benefit of Nonfunctional Upgradation in

¹ *Anand Pratap Singh v UOI*



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 Nonfunctional 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 WP.(C) No. 690/2022 (**Annexure-P9**), 14.10.2024 in WP.(C) N0.886/2020 (**Annexure-P10**) and Judgment dated 6.09.2010 WP No. 13225/2010 (**Annexure-P4**) 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-P5**), along with arrears, and all other consequential benefits;”

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*². He submits that in spite of the same, by the Impugned Orders dated 22.11.2024 and 06.01.2025, 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 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.



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

2. Accordingly, the present petition is also disposed of with a direction to the respondent to treat this writ petition as a representation. In case the petitioners are found entitled to the benefit in terms of the judgment of this Court in ***Sushil Kumar v Union of India***, the relief would be granted to the petitioner within eight weeks from today.

3. This would be subject to the outcome of any order which may be passed by the Supreme Court in ***Sushil Kumar***.

4. The present petition stands disposed of in the aforesaid terms.

5. Needless to say, either party, if it continues to remain aggrieved, may avail of their remedies in accordance with law.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

MARCH 18, 2025

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Click here to check corrigendum, if any