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

Date of decision: 15.07.2025

+ W.P.(C) 6181/2019, CM APPL. 26562/2019

SH. DEVENDRA MOHAN AND ORS.Petitioners

Through: Mr. Sagar Saxena, Mr. Parmeet Singh, Mr. Sarthak Pandey, Mr. Krisnandu Maldar, Mr. Soumo Palit, Advs.

versus

UNION OF INDIA AND ORS.Respondents

Through: Mr. J.K. Tripathi, SPC

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioners, challenging the Order dated 27.07.2018 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 2490/2013, titled ***Shri Devendra Mohan & Ors. v. Union of India & Ors.***, by which the learned Tribunal dismissed the O.A. filed by the petitioners herein, holding that the petitioners, who are Scientists of various categories working in Defence Research & Development Organization ('DRDO') are not entitled to the benefits of the Non-Functional Upgradation ('NFU') as recommended and accepted by the Government of India to all the Organized Group 'A' Services officers.



2. This Court, *vide* Order dated 16.01.2024, as far as the issue of the NFU not being extended to the petitioners as they were covered by the Flexible Complementing Scheme ('FCS') or the Dynamic Assured Career Progression ('DACP') is concerned, held that in view of the OM dated 03.05.2018, the said plea cannot be accepted.

3. In this regard, we may note that the respondents, to deny the benefit of the NFU to the petitioners, have taken the stand that in view of the OM dated 02.04.2012 of the Department of Personnel and Training ('DoP&T'), the officers of the Organized Group 'A' Services who had been extended the FCS and the DACP schemes, will not be entitled to the benefit of the NFU. Later, however, the OM dated 02.04.2012 was declared *non est* by the DoP&T itself *vide* OM dated 03.05.2018. Therefore, the above objection no longer survives.

4. The second plea taken by the respondents was that the respondent DRDO is not an Organized Group 'A' Service. This issue was considered by this Court in its Order dated 30.01.2024, wherein this Court, placing reliance on the judgment of this Court in **G.J. Singh and Ors. v. Union of India and Ors.** 2015 SSC Online Del 11803, *prima facie*, held that the Defence Research & Development Service ('DRDS') has all along been treated as an Organized Group 'A' Service.

5. The learned counsel for the respondents has placed reliance on the Affidavit dated 08.03.2016 filed on behalf of DoP&T before the learned Tribunal, which *inter alia* states as under:

“3. That the DOP&T *vide* their OM No. 1139715/15/15/CR dated 19th Jan 2016 have conveyed that DRDS has not been declared as



an Organized Group 'A' Service and the status of DRDS is correctly mentioned in the Annexure to the DOP&T OM dated 03 Nov 2015. Copies of DOP&T OM dated 19th Jan 2016 and 3 Nov 2015 are enclosed as Annexure AR-I & II respectively.”

6. On the other hand, the learned counsel for the petitioners, in rebuttal, has drawn our attention to the relevant pages of the Second Administrative Reforms Committee, wherein the DRDS has been specifically mentioned as an Organized Group ‘A’ Service at Serial No. 19 in Table 4.1. He submits that this Court in **G.J. Singh** (supra) specifically observed that a stand taken contrary to this list cannot be permitted.

7. We quote from the judgment in **G.J. Singh** (supra) as under:

“81. The report of the Second Administrative Reforms Committee includes in Table 4.1 a list of all Organised Group ‘A’ Central Civil Services in the Government of India in which paramilitary forces such as BSF, CISF, CRPF and ITBP are shown at Serial nos. 22 to 25 respectively and the source at the bottom of the table is stated to be the DoPT itself.

82. The Court would note that after about six years of the publication of this report, the matter is being argued and the Government's own documents are being relied upon by the petitioners to contend that they belong to Organised Group ‘A’ Central Civil Services of the Government. Meanwhile, the Government has sought to correct the said list to exclude the petitioners (CAPFs) from the ambit of Organised Group ‘A’ Central Civil Services. This, however, is impermissible in law since the release of the list was a result of a statutory exercise. The information supplied to the Administrative Reforms Committee would have been accompanied by affidavits of and/or



communication from responsible officers and the Government would be bound by it. Therefore, the Court is of the view that for the Government to state that this was a mistake to withdraw it, at this stage, is neither convincing nor tenable.

83. The Court would note that the DoPT's OM dated 19/20.11.2009 which lays down six attributes which a Central Groups 'A' Service needs to possess to be considered as Organised cannot be relied upon too heavily since it is the respondents' own admission in the impugned OM dated 28.10.2013 that "these attributes are merely traits/characteristics and are not sacrosanct." The Note at the bottom of the 2009 OM provides for minor deviations from these attributes. It also states that even if a Group 'A' service possesses all six attributes, it might not be automatically conferred the status of an Organised Group 'A' Service as these have to be "constituted consciously" and "can be constituted only through the established procedures". The Court is of the view that the presence of reports and other documents explicitly stating the CAPFs are an Organised Group 'A' Service evidences that they have been constituted consciously and through established procedures."

8. In view of the above, we hold that the petitioners are in Organised Group A services and are therefore, entitled to the grant of NFU.

9. We set aside the Impugned Order dated 27.07.2018 passed by the learned Tribunal and direct that the recommendations of the 6th CPC for grant of the NFU be implemented for the eligible officers of the DRDS, regardless of their coverage under the FCS or the DACP, after making due adjustment of the benefits of the FCS/DACP scheme



2025:DHC:5637-DB



availed by them, if any.

10. Necessary orders in this regard shall be issued by the respondents within a period of 12 weeks from today.

11. Accordingly, the petition along with pending application, stands disposed of in the aforesaid terms.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 15, 2025

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