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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 23.07.2025

+ W.P.(C) 11481/2016
VIJAY SINGH & ORSPetitioners
Through: Mr. Sagar Saxena, Mr. Parmeet Singh, Mr. Sarthak Pandey, Mr. Krishnanu Haldar, Advts.

versus

UNION OF INDIA & ORSRespondents
Through: Mr. Rakesh Kumar, CGSC with Mr. Sunil, Adv. for UOI.

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 01.08.2016 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 1035/2015, titled ***Vijay Singh & Ors. v. Union of India & Ors.***, dismissing the O.A. filed by the petitioners on the ground that the petitioners, having entered service in Group 'B', are not entitled to the benefit of the Non-Functional Upgradation ('NFU').
2. During the course of the present petition, a question arose as to whether the Indian Meteorological Service ('IMS'), to which the petitioners belong, is at all an Organized Group 'A' Service ('OGAS').



3. The learned counsel for the respondents has submitted that there is no Notification designating the IMS as an OGAS. He submits that though the list of OGAS was first issued in the year 1982, and was thereafter amended in the years 1986 and 1990, the IMS was still not considered as an OGAS. He submits that in a draft list, which was issued on 03.04.2017, the IMS was again not mentioned as an OGAS. He submits that having the status of an OGAS is a pre-requisite for the grant of NFU, and since the IMS is not an OGAS, the petitioners were, in any case, not entitled to the grant of NFU.

4. On the other hand, the learned counsel for the petitioners submits that the present stand taken by the respondents cannot be sustained as the learned Tribunal itself has proceeded on the basis that the IMS is an OGAS. He submits that, even otherwise, the IMS has been mentioned as an OGAS at Serial No. 30 in Table 4.1 of the Second Administrative Reforms Commission Report. Placing reliance on the judgments of this Court in ***G.J. Singh & Ors v. Union of India & Ors.***, 2015 SCC OnLine Del 11803; ***Dr. Subodh Jha and Ors. v. Union of India & Anr.***, 2025 SCC OnLine Del 4544; and ***Shri Devender Mohan & Ors v. Union of India & Ors.***, 2025:DHC:5637-DB, he submits that, therefore, the IMS is an OGAS.

5. As far as the petitioners being inducted into service in Group 'B' is concerned, the learned counsel for the petitioners places reliance on the Office Memorandum dated 25.09.2009, submits that clarifications were issued with respect to the implementation of the OMs dated 24.04.2009 and 21.05.2009 regarding the grant of NFU. He submits that in paragraph 2 thereof, it has been clarified that even



where an officer joins the service in Group ‘B’, but is later inducted into Group ‘A’, the officer would still be entitled to the benefit of the NFU.

6. *Per contra*, the learned counsel for the respondents submits that in the present case, there is no direct recruitment to the post of Meteorologist Grade-I, on which post the petitioners are working, and which is a Group ‘A’ post and, therefore, paragraph 2 of the OM dated 25.09.2009 shall have no application. He submits that the petitioners were initially appointed to the post of Professional Assistant and then promoted to the post of Assistant Meteorologist, which is a Group ‘B’ post. It is only upon their promotion to the post of Meteorologist Grade-I, which is a Group ‘A’ post, that they held the Group ‘A’ post. However, as the post of Meteorologist Grade-I does not have direct recruitment, paragraph 2 of the OM dated 25.09.2009 shall have no application.

7. We have considered the submissions made by the learned counsels for the parties.

8. As far as the question of whether the IMS can be categorised as an OGAS is concerned, the Second Administrative Reforms Commission, in S.No. 30 of Table 4.1 of its Report, has categorised the IMS as an OGAS. This Court, in **G.J. Singh and Ors.** (supra) considering the effect thereof, has held 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.”

9. The above judgment has been followed by this Court in **Dr. Subodh Jha & Ors.** (supra) and **Sh. Devendra Mohan & Ors.** (supra).

10. In view of the above, we hold that the IMS is an OGAS.

11. As far as the question of whether the petitioners would be entitled to the benefit of the NFU, having initially joined the service in a Group ‘B’ post is concerned, paragraph 2 of the clarification issued vide OM dated 25.09.2009 reads as under:

”2 In some services, Officers inducted there is induction of into Group ‘A’ Group ‘B’ officers into Organized service the Group ‘A’ service. will also be eligible Whether these officers for the benefit of will be eligible for the Non functional benefits under this OM. upgradation. They If so how the criteria of shall be assigned the batch will be decided in benefit of ‘Batch’ their case. corresponding to the batch of the ‘direct recruit’ officers with whom their seniority’ is clubbed.”

12. A reading of the above would clearly show that where there is an induction of Group ‘B’ officers into OGAS, such officers shall also be eligible for the benefit of the NFU. They shall be assigned the benefit of the batch corresponding to the batch of direct recruited officers with whom their seniority is clubbed.

13. In the present case, there are two feeder cadres for the post of Meteorologist Grade-I; one being the Assistant Meteorologist, that is,



the post held by the petitioners before their promotion, and the second being Meteorologist Grade-II, which is a Group 'A' post, filled up through direct recruitment.

14. It cannot be denied that the officers coming to Meteorologist Grade-I from Meteorologist Grade-II through promotion would be entitled to the NFU. Denying the same benefits to the petitioners only on the ground that they have been earlier appointed to a Group 'B' post, therefore, would be discriminatory and cannot be sustained.

15. Accordingly, we set aside the Impugned Order passed by the learned Tribunal, by holding that the IMS is an OGAS and that the petitioners cannot be denied the benefit of NFU only on the ground that they had been initially recruited in Group 'B' post. The claim of the petitioners shall be processed by the respondents in accordance with the law and necessary orders and reliefs shall be issued/granted to the petitioners within a period of eight weeks from today.

16. The petition, along with the pending application, is disposed of in the aforesaid terms.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 23, 2025/bsn/p/kz/SJ