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

\# **CNR No. DLHC010471002026**

\+ W.P.(C) 14468/2026

RAKESH SINGH AND ORS .....Petitioners

Through: Mr. Anuj Aggarwal, Ms. Manika V. Aggarwal, Mr. Vikrant Chawla, Mr. Mayank Chauhan and Mr. Prabhav Pachauri, Advocates.

versus

U.O.I. AND ORS. .....Respondents

Through: Mr. Rajesh Kumar, SPC with Mr. Yash Narain, Ms. Pragya Nath and Mr. Nirmit Kumar, Advocates.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH
HON'BLE MR. JUSTICE GURVINDER PAL SINGH

O R D E R

% 07.10.2026

CM APPL. 67849/2026

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

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3. This writ petition is filed on behalf of the Petitioners under Article 226 of the Constitution of India for a direction to the Respondents to grant Non-Functional Upgradation in Grade Pay of Rs.5,400/- in Pay Band-3 with effect from date of completion of four years of service in Grade Pay of Rs.4,800/- while serving as Inspector (Ministerial) along with consequential benefits in terms of Resolution dated 29.08.2008 issued by Ministry of Finance.

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4. Petitioners aver that they joined CRPF as Assistant Sub-Inspectors (Ministerial) on different dates between 1991-1992. Upon completion of 12 years of regular service on various dates between 07.06.2003 and 26.05.2004, Petitioners were granted financial upgradation under the ACP scheme and their pay was fixed in Grade Pay of Rs.4,200/-. Pursuant to recommendations of the 6th CPC implemented from 01.01.2006, Ministry of Finance, Department of Expenditure issued a Resolution on 29.08.2008 *inter alia* providing for grant of Grade Pay of Rs.5,400/- in PB-3 to eligible officers in Group-B posts in various ministries and departments of the Central Government. In continuation of the Resolution, Ministry of Finance issued clarification vide letter dated 21.11.2008 *inter alia* clarifying that officers placed in Grade Pay of Rs.4,800/- shall be eligible for grant of NFU to Grade Pay of Rs.5,400/- on completion of four years from the date of placement in Grade Pay of Rs.4,800/-, irrespective of whether such placement was by way of financial upgradation or substantive promotion.

5. It is stated that Petitioners were granted MACP benefits on completion of 20 years of regular service on different dates between 07.06.2011 and 26.05.2012 and their pay was fixed in Grade Pay of Rs.4,600/-, whereafter they were promoted to the rank of Inspector (Ministerial) between 2017 to 2023. Between 07.06.2021 to 26.05.2022, Petitioners were granted third MACP benefits on completion of 30 years of regular service and were placed in Grade Pay of Rs.4,800/-. Between 07.06.2025 to 26.05.2026, Petitioners completed four years of regular service in Grade Pay of Rs.4,800/- and made representations seeking NFU in Grade Pay of Rs.5,400/- in PB-3 in terms of Resolution dated 29.08.2008, however, the benefits were not granted.

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6. Learned counsel for the Petitioners submits that Petitioners are entitled to grant of NFU in Grade Pay of Rs.5,400/- in PB-3 with effect from the respective dates, when they completed four years of service in Grade Pay of Rs.4,800/- in light of Resolution dated 29.08.2008 read with clarification dated 21.11.2008. It is further urged that the relief sought is squarely covered by various judgments and yet the Petitioners are being deprived of their legitimate dues. Reliance is placed on the judgment of the Division Bench of this Court in ***Sushil Kumar v. Union of India & Ors., W.P. (C) 690/2022,*** decided on 09.09.2024 against which SLP Diary No. 13406/2025 filed by Union of India was dismissed on 17.04.2025 followed by dismissal of review petition diary no. 61621/2025 on 21.01.2026. Following the judgment in ***Sushil Kumar (supra)***, this Court has granted relief to similarly placed Petitioners in ***Dal Singh & Ors. v. Union of India & Ors., W.P.(C) 886/2020,*** decided on 14.10.2024; ***Anand Pratap Singh and Ors. v. Union of India and Ors., W.P.(C) 1743/2025,*** decided on 12.02.2025; ***Gajendra Singh and Ors. v. Union of India and Ors., W.P.(C) 3018/2025,*** decided on 10.03.2025; and ***Naveen Kumar v. Union of India and Ors., W.P.(C) 7247/2026,*** decided on 22.05.2026 and therefore, there is no plausible reason or justification to deny the same relief to the Petitioners.

7. Issue notice.

8. Mr. Rajesh Kumar, learned SPC accepts notice on behalf of the Respondents.

9. By this writ petition, Petitioners seek benefit of Non-Functional Upgradation in Grade Pay of Rs.5,400/- in PB-3 from the date they have completed four years' service in Grade Pay of Rs.4,800/- in terms of Resolution dated 29.08.2008 as also relying on the judgments of this Court,

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wherein relief has been granted to similarly placed persons. In my view, it would be appropriate at this stage to direct the Respondents to consider the cases of the Petitioners for grant of NFU in Grade Pay of Rs.5,400/- in PB-3 in accordance with law and take a decision.

10. Accordingly, without entering into the merits of the case, this writ petition is disposed of, directing Respondents to treat this writ petition as a representation and take a decision within two months from today. Needless to state that while taking a decision, Respondents will take into consideration the Resolution dated 29.08.2008 as also clarification dated 21.11.2008 and the judgments referred to above. In case the Petitioners are found entitled for grant of NFU, benefits shall be granted within two months from the date of the decision along with arrears. If for any reason, Respondents are of the view that cases of the Petitioner(s) are not covered by the aforesaid judgments and/or the Resolution, reasoned and speaking order shall be passed and communicated to the Petitioners within one week from the date of the decision and Petitioners will be at liberty to take recourse to legal remedies.

11. Writ petition stands disposed of in the aforesaid terms.

JYOTI SINGH, J.

GURVINDER PAL SINGH, J.

OCTOBER 7, 2026/YA

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