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

\# **CNR No. DLHC010481182026**

\+ W.P.(C) 14778/2026

SANJAY MISHRA & ORS. .....Petitioners

Through: Mr Himanshu Gautam and Ms Niharika Punn, Advs.

versus

UNION OF INDIA & ANR. .....Respondents

Through: Mr. Gaurav Kumar, Senior Panel Counsel alongwith Mr. Himanshu Shukla and Mrs. Deepanjali Tiwari, Advs.

CORAM:
HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE
HON'BLE MR. JUSTICE SANJAY SHARMA

O R D E R

% 06.10.2026

1. The issue in the present petition pertains to the grant of Non-Functional Selection Grade **['NFSG'].**

2. It is the case of the petitioners that the respondents-BSF are required to correctly calculate the 30% of the Senior Duty Posts (SDP) for the grant of NFSG, by including, in the strength of the SDP, the posts held by Assistant Commandants who have already been granted Senior Time Scale (STS) in Grade Pay of Rs. 6,600/- and also the posts held by IPS Officers on deputation.

3. It is his contention that there has been a miscalculation and the issue

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sought to be canvassed in the present petition is covered by the Division Bench judgment of this Court dated 26th February, 2024 delivered in W.P.(C) 3445/2020 and connected matters, titled as *"Nigude Ashok Dasharath & Ors. Vs. Union Of India & Ors."*

4. The learned counsel for the petitioners submits that the aforesaid issue sought to be canvassed is squarely covered by the judgment referred above which is delivered against the CRPF, and it is urged that a similar set of service conditions are applicable to the BSF/respondents herein of which the petitioners are members.

5. It is the case of the petitioners that the representation dated 12th August, 2026, which is based on the judgment of ***Nigude Ashok Dasharath(supra)*** that was affirmed by the Hon'ble Apex Court *vide* Order dated 13th May, 2025 and further *vide* Order dated 21st January, 2026, is already pending consideration with the respondents.

6. As such, it is urged that the respondents be directed to decide the representation of the petitioners within a reasonable period.

7. Learned counsel for the respondents states that, he would like to file a counter affidavit on merits, however, if the petition is disposed of, the representation can be decided within a reasonable time.

8. In the light of the above, the present writ petition stands disposed of.

9. We direct the representation of the petitioners dated 12th August, 2026 to be decided expeditiously and, in any case, within a period of 03 months from today, in the light of the Division Bench judgment of this Court dated 26th February, 2024 delivered in W.P.(C) 3445/2020, titled as *"Nigude Ashok Dasharath & Ors. Vs. Union Of India & Ors."* and also in view of the Order dated 28th July, 2026 issued by the Government of India, Ministry of

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Home Affairs, Police-II Division (Pers-II Desk).

10. Let the decision be communicated to the petitioner within a period of 03 months from today.

11. With the above observations, the writ petition stands disposed of.

12. Pending application, if any, also stands disposed of.

NITIN WASUDEO SAMBRE, J

SANJAY SHARMA, J

OCTOBER 6, 2026/*sky/gs*

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