



2025:DHC:1589-DB



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

Date of decision: 10.03.2025

+ W.P.(C) 3018/2025
GAJENDRA SINGH AND ORS.Petitioners

Through: Mr.Ankur Chhibber and
Ms.Muskaan Dutta, Advs.

versus

UNION OF INDIA AND ORSRespondents

Through: Mr.Avtaar Singh Deol, SPC
with Ms.Mamta Tiwari, GP for
UOI

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MR. JUSTICE MANOJ JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 14266/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 3018/2025

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 27.01.2025(Annexure-P1) issued by the Respondents wherein representations dated 23.10.2024 (Annexure-P10) and 29.12.2024 (Annexure-P11) of the Petitioners have denied the benefit of Non-functional Upgradation in 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 Non-functional 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 W.P.(C) No.690/2022 (Annexure-P8), 14.10.2024 in W.P.(C) No.886/2020 (Annexure-P9) and Judgment dated 06.09.2010 in W.P.(C) No. 13225/2010 (Annexure-P3) 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-P4) along with arrears, and all other consequential benefits; and”

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.***, 2024:DHC:6969-DB. He submits that in spite of the same, by the Impugned Order dated 27.01.2025, 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

