



\$~9

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11432/2021**
RAJIV MAKKARPetitioner

Through: Mr. Tapas Das, Adv.
versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Ruchir Mishra, Mr. Sanjiv Kumar
Saxena, Mr. Mukesh Tiwari, Ms.
Poonam Shukla and Ms. Reba Jena
Mishra, Advs. and Sub Ram Niwas,
BRO,

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
06.09.2024

%

1. By way of the present petition under Article 226 of the Constitution of India, the petitioner, who has superannuated on 31.03.2018 from the Border Roads Organisation (BRO) in the rank of Chief Engineer, has approached this Court seeking the following reliefs:

“(a) Issue a writ of certiorari or any other appropriate writ, order or direction setting aside the impugned DGBR letter No.16062/MISC/DGBR/E1D dated 28.07.2021 along with DOPT OM No. 22011/4/2013-Estt(D) dated 08.05.2017 as far as commencements of calendar is concerned for the year 2018 in the matter of rejecting the bonafide claim of the petitioner for grant of Non-Functional Up-gradation (NFU) to HAG Scale (Rs.67000-79000 pre-revised) with effect from 1st January, 2018.

(b) Issue a writ of mandamus or any other appropriate writ, order or directions, directing the Respondents to grant the benefit of Non-Functional up-gradation with effect from 01.01.2018 as per guidelines of Department of Personnel & Training.

(c) Issue any other or further orders or directions in favour of the petitioner and against the respondents as this Hon 'ble Court may deem fit and proper.”

2. The short submission of learned counsel for the petitioner is that



immediately after the petitioner had, on 23.12.2017, completed the eligibility criteria for grant of Non-Functional Financial Upgradation (NFFU), the respondents ought to have extended this benefit to him by holding a Departmental Screening Committee as per the DOPT's OM dated 24.04.2009. The respondents have, however, failed to consider him for grant of NFFU on the erroneous premise that the screening for grant of NFFU was, as per the model calendar suggested by the DoPT, required to be done only on 01.04.2018, by which date the petitioner had already superannuated. He contends that the respondents have failed to appreciate that the screening for grant of NFFU was not dependent on the model calendar for holding DPC for promotion. The NFFU, he submits, envisages only a financial upgradation and therefore, operates on the same parameters as applicable to the Assured Career Progression (ACP) scheme wherein financial upgradations were granted to employees immediately upon their completing the requisite eligibility period of service. He, therefore, prays that the impugned order be set aside and respondents be directed to consider the case of the petitioner for grant of NFFU with reference to 24.12.2017 and grant him all consequential benefits, in case, he is found fit for the same.

3. Learned counsel for the respondents prays for time to obtain instructions and make submissions.

4. List on 23.09.2024.

REKHA PALLI, J

SHALINDER KAUR, J

SEPTEMBER 6, 2024/ss