

**Central Administrative Tribunal
Madras Bench**

MA 310/00004/2020 in & OA 310/00011/2020

Dated Friday the 3rd day of January Two Thousand Twenty

P R E S E N T

**Hon'ble Shri. P. Madhavan, Member (J)
&
Hon'ble Shri. T. Jacob, Member (A)**

1. Thomas Mathew,
2. V.Babu,
3. Anil Kumar Sundaran,
4. B.Sureshkumar,
5. K.Mageshwar,
6. V.Sunil Kumar,
7. Aravaazhi. F.Applicants

By Advocate M/s. R.Thirumalai

Vs

1.Union of India,
Ministry of Finance, rep by its Secretary,
North Block, New Delhi 110001.

2.Union of India,
rep by the Chairman,
Central Board of Indirect Taxes & Customs,
North Block, New Delhi 110001.

3.The Principal Chief Commissioner of GST & Central Excise,
No. 121, Mahatma Gandhi Road,
Nungambakkam, Chennai 600034.

4.The Commissioner of GST and Central Excise,
Coimbatore Commissionerate,
No. 6/7, A.T.D. Street,
Race Course Road, Coimbatore 641018.

5.The Commissioner of GST and Central Excise (Appeals),
Coimbatore Commissionerate,
No. 6/7, A.T.D. Street,
Race Course Road, Coimbatore 641018.

6.The Commissioner of Customs,
Custom House, New Harbour Estate,
Tuticorin 628004.

7.The Commissioner of GST and Central Excise,
Tiruchirapalli Commissionerate,
No. 1, Williams Road, Cantonment,
Tiruchirapalli 620001.

... Respondents

ORAL ORDER

Pronounced by Hon'ble Mr. P. Madhavan, Member(J)

MA 4/2020 filed for joining the applicants together and filing single Original Application is allowed.

2. The applicants have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“To direct the respondents to grant Grade Pay of Rs. 5400/- in Pay Band-2 to the applicant No. 1 with effect from 13.04.2010; applicant no. 2 with effect from 18.04.2010; applicant no. 3 with effect from 18.04.2010; applicant no. 4 with effect from 20.04.2010; applicant no. 5 with effect from 15.04.2010; applicant no. 6 with effect from 11.04.2010 and applicant no. 7 with effect from 21.04.2010, upon completion of four years of service in the Grade pay of Rs. 4800/- (pre revised grade pay Rs. 7500-12000) as per the dictum of the Hon'ble High Court of Madras dated 06.09.2010 made in WP No. 13225 of 2010 with all consequential, allied and incidental benefits including arrears of pay, pay fixation etc and also costs and pass such further or other orders as are necessary to meet the ends of justice.

3. When the matter came up for consideration, learned counsel for the applicants submit that the applicants are serving as Superintendent of Central Excise and Customs. They are seeking grade pay of Rs. 5400/- in Pay Band-2 on completion of four years of service in the Grade Pay of Rs. 4800/- in Pay Band-2. Their claim was denied on the basis of a clarification which restricted the benefit to only those who were holding the GP 4800 on regular basis and not on ACP basis. The denial of such upgradation was challenged by an identically situated

officer and the Hon'ble Madras High Court allowed the writ petition in WP No. 13225/2010 and held that the four years of service in the grade pay of Rs. 4800 can also be computed when such pay scale is granted pursuant to ACP and the officer be placed at Grade Pay of Rs. 5400/- in PB-2. The above order was subsequently affirmed by the Hon'ble Supreme Court in C.A. No. 8883 of 2011 dt. 10.10.2017 and the Review Petition No. 2512/2018. In this regard, the applicants made individual representations produced as Annexure A21 (1 to 6) to the respondents which are still pending with the respondents for consideration. He submits that the applicants will be satisfied if their representations are disposed of by passing a speaking order within a time limit stipulated by this Tribunal.

4. In view of the limited submission made and without going into the substantive merits of the case, the competent authority is directed to consider Annexure A21 (1 to 6) individual representation of the applicants in accordance with law and in the light of the relevant rules and regulations on the subject and pass a reasoned and speaking order within a period of six months from the date of receipt of copy of this order.

5. OA is disposed of at the admission stage.

(T. Jacob)
Member(A)
AS

03.01.2020

(P. Madhavan)
Member (J)