

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/403/2019

HYDERABAD, this the 20th day of December, 2019

Hon'ble Mr. B.V. Sudhakar, Admn. Member



1. V.R. Pavan Kumar S/o. V. Prasada Rao (Late),
Aged 51 years, Occ: Superintendent of Central Tax,
O/o Commissioner (AR), CESTAT, Hyderabad-500004.
2. N.Ch. Renuka Charyulu S/o. Naga Mallaiah (Late),
Aged 66 years, Occ: Superintendent of CEX (Retired),
H.No. 19-168/21, Dinakarnagar, Road No.17,
West Venkatapuram, Trimulgherry(P.O), Secunderabad-500015.
3. K.S. Nageswara Rao S/o. K.P. Seshagiri Rao,
Aged 62 years, Occ: Superintendent (Retired),
Plot No. 221; Road No.07, R.K. Housing Colony,
Dr. AS Rao Nagar, Hyderabad-500062.
4. P. Ravinder S/o. P. Sangameshwara Rao,
Aged 62 years, Occ: Superintendent (Retired),
H.No 4-1-216/32, Street No.2, Kartikeyanagar,
Nacharam, Hyderabad-500076.
5. M. Kishore Chowdary S/o. Sambasiva Rao,
Aged 46 years, Occ: Superintendent (Retired-VRS),
Flat No. 110, Vaishnavi Sunrise, Street No.3, Czech Colony,
Sanathnagar, Hyderabad - 500018.
6. P. Venkata Swamy S/o. P. Yellappa (Late),
Occ: Superintendent (Retired),
H.No. 122-823/C/64, Flat No. 101, Sai Balaji Residency,
SBI Colony, Hyderabad - 500028.
7. G. Suresh Chand S/o. G.J. Solomon (Late),
Aged 59 years, Occ: Superintendent,
O/o Commissioner of Audit-Hyderabad-I,
Commissionerate, 1st Floor, Above Bajaj Electricals,
Ramathapur, Hyderabad.
8. B.G. Madhav Reddy S/o. B. Gopal Reddy (Late),
Aged 57 years, Occ: Superintendent,
O/o Commissioner of CT, Audit-I Commissionerate,
1st Floor, Above Bajaj Electricals, Ramathapur, Hyderabad.
9. R.P. Saxena S/o. Hari Prasad Saxena (Late),
Aged 56 years, Occ: Superintendent,
O/o Commissioner of CT, Audit-I, Commissionerate, 1st Floor, Above Bajaj
Electricals,
Opposite to Hyderabad Public School, Ramathapur, Hyderabad.



10. B. Suresh S/o. Mary Philip,
Aged 62 years, Occ: Superintendent (Retired),
O/o Hyderabad-I, Commissionerate(Tech), FlatNo.301,
#39;A#39; Block, Patels Green Park, Yaprak, Secunderabad.
11. K.R. Vinod Kumar S/o. K.Gopal Rao,
Aged 50 years, Occ: Superintendent of Customs,
O/o Customs Preventive Commissionerate, Vijayawada.
12. M. Lakshmi Narayana S/o. M. Viswanadham,
Aged 62 years, Occ: Superintendent (Retired),
H.No. 32-80/34, Devi Nagar (Po), Ramakrishnapuram (Dist),
Medchal-Malkajgiri, Telangana-500056.
13. U.S.V. Subbaiah S/o. U. Suryanarayana,
Aged 64 years, Occ: Superintendent (Retired),
H.No. 3-83, 2nd Street, Sarada Nagar, Narsipatnam-531116,
Visakhapatnam (Dist), AP.
14. S. Gopalakrishna Murthy S/o. S.L. Venkaiah,
Aged 53 years, Occ: Superintendent (Systems),
O/o HQRS, RR GST Commissionerate, Posinett Bhavan, Tilak Road,
Hyderabad.
15. T. Ankamma Rao S/o. T. Kotaiah,
Aged 64 years, Occ: Superintendent (Retired),
O/o Hyderabad-IV, Commissionerate (Legal Sec.),
Plot No. 255, Bhavani Nagar Colony, ECIL (Po), Hyderabad-500062.
16. C. Rajani Kanth S/o. C. Karan,
Aged 49 years, Occ: Superintendent of Customs,
O/o SIIB Section, Hyderabad Customs Commissionerate, Hyderabad.
17. S. Madhusudhan S/o. S. Maheshwar,
Aged 50 years, Occ: Superintendent,
O/o Senior Intelligence Officer(SIO), DRI, Hyderabad,
Shanti Nagar, Masab Tank, Hyderabad.
18. Syed AyubHussaini S/o. Syed KhalilullahHussaini,
Aged 53 years, Occ: Superintendent,
O/o Legal Coordination Cell, Vizag (Vizag GST Commissionerate).
19. V.L.N. Srinivas S/o. Subba Rao,
Aged 54 years, Occ: Superintendent,
O/o D.Gov, Begumpet, Hyderabad.
20. B.S. Murthy S/o. Satyanarayana Murthy,
Aged 56 years, Occ: Superintendent,
O/o Directorate General of Vigilance (HZU), Hyderabad.
21. K. Surendara Chary S/o. Bhavana Chary (Late),
Aged 54 years, Occ: Superintendent,
O/o D.Gov, HZU.
22. A. Rangadham S/o. A. Niranjan Rao,
Aged 49 years, Occ: Superintendent,
O/o SIO, DRI, Regional Unit, Vijayawada.
23. K.S. Subba Rao S/o. K.S. Ramachandra Rao (Late),
Aged 50 years, Occ: Superintendent of Central Tax,
O/o Hyderabad, Audit-II, Commissionerate.
24. Srinivas Chaturvedula,
Aged 51 years, Occ: Superintendent,



O/o Senior Intelligence Officer (SIO), DRI, Hyderabad Zone,
Shanti Nagar, Masab Tank, Hyderabad.

25. T.Gowri Sanker,
Aged 61 years, Occ: Superintendent (Retired),
O/o Audit-I, Commissionerate,
R/o D.NO: 1-10-1/213/A/72, Chakripuram Colony, Kushaiguda,
ECIL, Secunderabad-500062.

26. K. Subbalakshmi,
Aged 56 years, Occ: Superintendent of Central Tax, Appeals-II, Hyderabad,
Plot No. 26E, Vanasthalipuram, Vijayapuri colony phase-II, Hyderabad-
500070.

27. V. Arun KumarS/o. V. Krishna Murthy,
Aged 51 years, Occ: Superintendent of Central Tax,
O/o GST Seva Kendra Head Quarters Office, Hyderabad GST
Commissionerate.

28. A. Hari GopalS/o. A. Madhava Rao,
Aged 55 years, Occ: Superintendent,
O/o Nalgonda GST Range, Nalgonda Division, R.R. Commissionerate.

29. M. Sunith KumarS/o. M. Deva Varam,
Aged 53 years, Occ: Superintendent,
O/o Bodhan GST Range, Bodhan, Nizamabad Division, Medchal
Commissionerate.

30. B. Rafiq Ahammad,S/o. B. Ghose Sahib (Late),
Aged 47 years, Occ: Superintendent,
O/o Tuni CGST Range, Tuni, East Godavari.

31. M. Tarakeswara RaoS/o. M. Ramulu (Late),
Aged 47 years, Occ: Superintendent,
O/o Gandhi Nagar Range, Himayatnagar Division, Hyderabad GST
Commissionerate.

32. Koti Srinivasa RaoS/o. KotiPrasada Rao,
Aged 52 years, Occ: Superintendent,
O/o RGIA, Shamsabad, Hyderabad Customs Commissionerate.

33. Yerroju RadhakrishnaS/o.Jagga Rao
Aged 62 years, Occ: Superintendent(Retired),
H.No. 5-53/A, Divyajyothi Apartment, Hukumpeta, Aana Road,
Rajahmundry-533103.

34. L.N. Usha Devi W/o. S. Nagaraja Rao,
Aged 48 years, Occ: Superintendent,
Flat No. 302, SreeSree Heights, Ramalayam Road, Kukatpally, Hyderabad-
500072.

35. M. Gangadhar RaoS/o. M. Kattaiah(Late),
Aged 64 years, Occ: Superintendent of Central Excise (Retired),
Plot No. 30, H.No. 17-18/A-1, Dharmapuri Colony, Opposite to Survey of
India,Uppal,
Hyderabad-500039.

36. K. Poorna Chandra Reddy S/o. Late K Venkat Reddy,
Aged 63 years, Occ: Superintendent(Retired),
H.No. 2-1-18/A Saraswati Colony, Uppal, Medchal, Hyderabad-500039.

37. Thummakomma PrasadS/o. T Gnana Suryudu,
Aged 49 years, Occ: Superintendent,



O/o GST Kurnool-III-Range, Kurnool,
R/o3/2, Central GST Qtrs, N R Peta, Kurnool-1.

38. Jayalakshmi Balasubramanian D/o. G. Balasubramanian
Aged 47 years, Occ: Superintendent,
O/o Directorate of GST Intelligence, Coimbatore Zonal Unit, 155-1,
Lakshmanan street, Behind Ukkadam Bus Stand, Ukkadam, Coimbatore
641001.

39. P. Nalini Mohan S/o. P. Visweswara Rao (Late),
Aged 52 years, Occ: Superintendent,
O/o The Assistant Commissioner of Central Tax, Visakhapatnam GST Audit
Circle, GST Bhavan, Port Area, Visakhapatnam-530035.

40. B. Ajay BabuS/o. Anand Rao (Late),
Aged 50 years Occ: Superintendent,
O/o The Assistant Commissioner of Central Excise, Vizianagaram GST
Division, Near
Dandumaramma Temple, Contonment Area, Vizianagaram-535003.

41. P.S. MadhavS/o. PSR Sastry (Late),
Aged 49 years Occ: Superintendent of Central Tax,
O/o HQRS. Visakhapatnam, CGST Commissionerate, Port area,
Visakhapatnam-530035.

42. M. Nageswara RaoS/o. Madhava Rao (Late),
Aged 50 years Occ: Superintendent of Central Tax,
O/o HQRS. Auto Evasion, GST Building, Dairy Farm Centre, Kakinada-
A.P.

43. Y. Sunitha W/o. M. Lakshman,
Aged 46 years Occ: Superintendent of Central Tax,
O/o Samalkot CGST Range, Kakinada CGST Division.

44. B. Srilakshmi W/o. R.V.S. Sriramakrishna,
Aged 43 years Occ: Superintendent of Central Tax,
O/o DGGSTI, Vijayawada Regional Unit, Vijayawada.

45. V. Seetha RamaiahS/o. Sri Venkat Rao (Late),
Aged 68 years Occ: Superintendent of Central Excise(Retired),
Flat No.2, Block No.16, KendriyaVihar, Opposite to Bus Body Unit,
Miyapur, Hyderabad-
500049.

46. G. Satya Prakash RaoS/o.G. Rama Krishna Rao(Late),
Aged 53 years Occ: Superintendent of Central Excise,
O/o Technical Section, Office of the Commissioner Hyderabad, Audit-I
Commissionerate,
Ramanthapur, Hyderabad-500013.

47. Smt. Mortha Lakshmi W/o Mortha Nageswara Rao (Late),
Aged 56 years Occ: Superintendent(Retired),
R/o Plot No. 45, B.K. Enclave Colony, Maktha, Miyapur,
Serilingampally Mandal, Ranga Reddy Dist.

48. B. Muralidhar Gupta S/o. Late Thimmaiah Setty,
Aged 58 years, Occ Superintendent, O/o. Aduit-I Commissionerate,
Hyderabad.

49. T. Subba Rao S/o. Late T. Satyanarayana,
Aged 58 years, Occ Superintendent, O/o. Aduit-I Commissionerate,
Hyderabad.

50. V.S. Gopala Krishna S/o. Late Peraiah,
Aged 59 years, Occ Superintendent, O/o. Aduit-I Commissionerate,
Hyderabad.

51. B.Balachandra Sekhar S/o. Satyanarayana,
Age 47 years, Occ: Superintendent of Central Tax,
O/o. Assistant Commissioner of Central Tax, Guntur CGST Division,
Guntur Commissionerate, Guntur.

52. M.Ravi Chandra S/o. Sambaiah,
Aged 47 years, Occ: Superintendent of Central Tax,
O/o. Paravada GST Range, Visakhapatnam, South CGST Division,
Visakhapatnam.



... APPLICANTS

(By Advocate: Sri N. Vijay)

Vs.

1. The Union of India , Ministry of Finance, Department of Revenue, North Block, New Delhi Represented by its Secretary.
2. Central Board of Indirect Taxes and Customs, North Block
New Delhi, Rep. by its Chairman.
3. Chief Commissioner, Customs, Central Tax, Central Excise & Service Tax,
Hyderabad Zone, GST Bhavan, Hyderabad.
4. Chief Commissioner, Customs, Central Tax, Central Excise & Service Tax,
Visakhapatnam Zone, Customs House, Visakhapatnam.
5. The Principal Commissioner, Customs, Central Tax, Central Excise & Service Tax,
Hyderabad GST Commissionerate (Cadre Controlling Authority), GST Bhavan,
Hyderabad.

... RESPONDENTS

(By advocate: Mr. M. Venkata Swamy,
Addl. CGSC)

O R D E R (ORAL)

Hon'ble Mr. B.V. Sudhakar, Admn. Member



Heard Mr. N. Vijay, learned counsel for the applicants. There is no representation on behalf of the respondents.

2. The applicants were appointed as Inspectors and were granted ACP in the scale of Rs. 7500-12000/- on the dates mentioned against their names in Annexure-I. As per the Government of India Resolution and CCS(RP) Rules, 2008 they are entitled for Non-Functional Grade pay of Rs.5400/- upon completion of regular service of 04 years in the Grade Pay of Rs.4800/- (pre-revised 7500-12000 scale). It is submitted that all the applicants have been granted Grade Pay of Rs.4800/- as per the Resolution Clause(iv) with effect from the dates mentioned against each of them.

3. Respondent No.2, however, issued proceedings dated 16.09.2009 with the approval of Department of Expenditure and Implementation whereunder at Clause (iv), it is observed that Non-Functional Grade Pay will not be granted to such of those Group-B officers who have got Grade Pay of Rs.4800/- on upgradation under the ACP Scheme as contrary to the Government Resolution and CCS(Revised pay) Rules,2008.

4. Therefore, all these applicants filed the present OA to declare the action of the respondents in not granting Grade Pay of Rs.5400/- from the date of completion of regular service of 4 years in the Grade Pay of Rs.4,800/- (pre revised 7500-12000) as contrary to the CCS (Revised Pay Rules),2008 and also to the judgment of Madras High Court in W.P.

No.13225 of 2010 dated 21.10.2010 as confirmed by the Hon'ble Supreme Court in Civil Appeal No. 8883 of 2011 dated 10.10.2017 and consequently direct the respondents to forthwith pay Grade Pay of Rs.5400/- to the applicants with effect from the date of completion of regular service of 4 years in the Grade Pay of Rs.4800/- (pre-revised 7500-12000).

5. The same issue was subject matter of challenge before the Madras High Court in W.P. No.13225 of 2010. The Madras High Court allowed the Writ Petition by order dated 06.09.2010 holding that the impugned executive instructions are contrary to the Government of India resolution and the CCS (Revised) Pay Rules, 2008 and directed the applicants therein to be granted Grade Pay of Rs.5,400/- from the date of completion of regular service of 4 years in the Grade Pay of Rs.4800/-. The said case carried in appeal to the Hon'ble Supreme Court vide SLP(C) No. 15627 of 2011 by the respondents and the Hon'ble Supreme Court dismissed the Civil Appeal confirming the order passed by the Madras High Court. The Review Petition (Civil) No. 2512 of 2018 in Civil Appeal No. 8883 of 2011 filed by the respondents was also dismissed by the Hon'ble Supreme Court. The Tribunal also allowed OA 1051/2010 filed by the employees of Central Excise Department questioning the very same proceedings issued by the 2nd respondent dated 16.09.2009.

6. The issue has, therefore, been finally adjudicated and no longer res integra. As the Review Petition No. 2512 of 2018 was dismissed by the Hon'ble Supreme Court, the applicants are entitled for the relief prayed for in the present OA.

7. Consequently the proceedings issued by the respondents vide F.No. A-26017/98/2008-Ad.II.A dated 16.09.2009 are set aside. The respondents are directed to grant Grade Pay of Rs.5400/- to the applicants with effect from the date of completion of regular service of 4 years in the Grade Pay of Rs.4800/-.

8. The OA is disposed of accordingly. There shall be no order as to costs.

**(B.V. SUDHAKAR)
ADMN. MEMBER**

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