

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**LIBRARY**No. O.A. 350/00029/2020
M.A. 350/00027/2020

Date of order: 4.3.2020

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative
Member

LAKSHMI KANTA SAR & ORS.

VS.

UNION OF INDIA & ORS. (Central Excise & Customs)

For the Applicants : Mr. A.K. Manna, Counsel

For the Respondents : Ms. D. Nag, Counsel

O R D E R (Oral)**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicants have approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, praying for the following relief:-

(a) An order issuing direction upon the respondents to grant Grade Pay of Rs. 5400/- (PB-2) to the applicants herein on completion of 4 years in the pay scale of Rs. 7,500-12,000/- (Pre revised) as per judgment dated 06.09.2010 of Hon'ble High Court of Madras, as upheld by Hon'ble Supreme Court vide its order dated 10.10.2017 and that dated 23.8.2018 and as decided by Board vide it's letter dated 22.10.2019 and Estt. Order No. 286/19, dated 06.12.2019 issued in implementation thereof for extension of benefit covered under the judgment dated 06.09.2010 with all consequential benefits including arrear of pay;

(b) An order quashing and setting aside the clarification dated 11.2.2009 and directing the respondents to grant Grade Pay of Rs. 5400/- (PB-2) in the pay scale of Rs. 7500-12000/- (pre-revised) to the applicants on completion of 4 years of service in the Grade Pay of Rs. 4800/- in PB-2, i.e., w.e.f. different dates as mentioned in para 4(f) hereinabove.

(c) An order directing the respondent authorities to provide production of relevant documents.

(d) Any other order or further order/orders as this Hon'ble Tribunal may deem fit and proper."

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2. Heard both Ld. Counsel, examined documents on record. The matter is taken up for disposal at the admission stage.
3. An M.A. bearing No. 27 of 2020 has been filed in connection with the above mentioned O.A. praying for joint prosecution of this matter, on grounds of commonality of interest and fact that the applicants are pursuing a common cause of action.

On being satisfied that the applicants share common interest and are pursuing a common cause of action this M.A. is allowed, subject to payment of court fees by each individual applicant and is disposed of accordingly.

4. Both Ld. Counsel would agree to submit that, consequent to the decisions of this Tribunal in O.A. No. 358 of 2019 with M.A. No. 206 of 2019 (***Shiladitya Maitra v. U.O.I. & ors. (Central Excise & Customs)***) disposed of on 17.7.2019, the respondent authorities, vide their communication dated 6.12.2019 (Annexure A-9 to the O.A.), had directed implementation of the said orders of this Tribunal as follows:-

ORDER

6. The representations of the applicants in O.A. No. 350/358/2019 have been considered. The applicants in the present O.A. who are similarly placed to the case covered in the order of Hon'ble Madras High Court dated 06.09.2010 in W.P. No. 13225 of 2010 against which SLP was dismissed are hereby granted Non Functional Grade (NFG) in the GP of Rs. 5400/- in PB-2 on completion of 04 years of continuous service in the pay scale of Rs. 7500-12000/- (Pre-revised) corresponding to the Grade Pay of Rs. 4800/-."

5. Both Ld. Counsel would also join in according their consent to disposal of this O.A. on similar lines as in O.A. No. 358 of 2019.
6. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we hereby direct the respondent No. 3, who is the Principal Chief Commissioner of CGST & CX, Kolkata, to examine the representations filed by the

l.e.s

applicants at Annexure A-10 to the O.A. collectively, if received at his end, and to dispose of the same, in accordance with law, within a period of 16 weeks from the date of receipt of a copy of this order. The said authority shall convey his decision in the form of reasoned and speaking order to the applicants forthwith thereafter.

7. The applicants, who have been allowed to jointly pursue this O.A., are directed to submit their individual court fees/postal orders, as required.

8. With these directions, the O.A. along with M.A. are disposed of.



(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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