

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

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No. O.A. 350/00222/2020
M.A. 350/00129/2020

Date of order: 4.3.2020

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

RAJEEV KUMAR & ORS.

VS.

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

For the Applicants : Mr. A. Chakraborty, Counsel
Ms. P. Mondal, Counsel

For the Respondents : Ms. D. Nag, Counsel

ORDER (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:-

"(i) An order do issue directing the respondents to pass necessary orders to extend the benefit of fixation at Grade Pay of Rs. 5400/- in PB-2 upon completion of 4 years of regular service in the Grade Pay of Rs. 4800/- in PB-2 to the applicants who had got the Grade Pay of Rs. 4800/- on upgradation under MACP Scheme as granted in the case of M. Subramaniam in WP No. 13225 of 2010 dated 06.09.2010 affirmed by the Hon'ble Apex Court of India along with all consequential and incidental benefits thereto along with grant of arrears at an earliest.

(ii) Costs and incidentals.

(iii) Pass such further or other order or orders and other relief/s as may be deemed fit and proper in the peculiar facts & circumstances of the present case."

2. Heard both Ld. Counsel, examined documents on record. The matter is taken up for disposal at admission stage.

3. An M.A. bearing No. 129 of 2020 has been filed in connection with the above mentioned O.A. praying for joint prosecution of this matter, on

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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. During hearing, both Ld. Counsel would agree to submit that consequent to an order of this Tribunal passed 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-13 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 applicants at Annexure A-14 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

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form of a reasoned and speaking order to the applicants forthwith thereafter.

7. This O.A. is disposed of with the above directions.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member



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