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OA/350/126/2020

MA/350/73/2020

An application under Section 19 of the Administration Tribunal's Act, 1985
BETWEEN

1. ALL INDIA ASSOCIATION OF CENTRAL EXCISE GAZETTED EXECUTIVE OFFICERS, KOLKATA UNIT, represented by its Secretary Shri Kousik Roy, having its office at Room No. 19, Kendriya Utpad Shulk Bhawan (GST Bhawan), 180, Shantipally, Rajdanga Main Road, Kolkata-700107.
2. KOUSIK ROY, the Secretary to the All India Association Of Central Excise Gazetted Executive Officers, Kolkata Unit having its office at Room No. 19, Kendriya Utpad Shulk Bhawan (GST Bhawan), 180, Shantipally, Rajdanga Main Road, Kolkata-700107, son of Late Sachindra Nath Roy, aged about 51 Years, working as Superintendent of Central Tax (Erstwhile Superintendent of Central Excise) in the office of the Principal Chief Commissioner, CGST & CX Kolkata Zone, GST Bhawan, 180 Shantipally, Kolkata-700107 and residing at 68, Shibpur Road, Block-B, Flat No. 301, Mandirtala, Howrah-711102.
3. PRASENJIT SARKAR, son of Sri Paresh Lal Sarkar, aged about 52 years, working as Superintendent of Central Tax (Erstwhile Superintendent of Central Excise) in the office of Kolkata Audit-I CGST & CX Commissionerate, GST Bhawan, 180 Shantipally, Kolkata-700107 and residing at 65, Ruby Park East, Kolkata-700078.
4. PARTHASARATHI BASU, son of Sri Bhaumendu Sekhar Basu, aged about 54 years, working as Superintendent of Central Tax (Erstwhile Superintendent of Central Excise) in the office of Kolkata Audit - I CGST & CX

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Commissionerate, GST Bhawan, 180 Shantipally, Kolkata-700107 and residing at 11/38, Khanpur Road, P.O. Naktala, Kolkata-700047.

5. **HIMANGSHU SANTRA**, son of Sri Hiranya Kumar Santra, aged about 55 years, working as Superintendent of Central Tax (Erstwhile Superintendent of Central Excise) in the office of Howrah CGST & CX Commissionerate, 15/1, Strand Road, Kolkata-700107 and residing at 149/5, Upper BPMB Sarani, P.O.: Bhadrakali, P.S.: Uttarpara, Dist: Hooghly.

6. **SANTOSH KUMAR MONDAL**, son of Late Gorachand Mondal, aged about 52 years, working as Superintendent of Central Tax (Erstwhile Superintendent of Central Excise) in the office of Haldia CGST & CX Commissionerate, 15/1, Strand Road, Kolkata-700001 and residing at 193/D/A, G.T. Road, Bahirserampore, PO: Mallickpara Serampore, Hooghly, Pin-712203.

... Applicants.

-Versus-

1. **UNION OF INDIA**, through the Secretary to the Government of India, Department of Revenue, Ministry of Finance, North Block, New Delhi - 110001.
2. **THE CHAIRMAN, CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS**, North Block, New Delhi - 110001.
3. **THE PRINCIPAL CHIEF COMMISSIONER, CGST & CX**, Kolkata Zone, GST Bhawan, 180,

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Shantipally, Rajdanga Main Road,
Kolkata-700107.

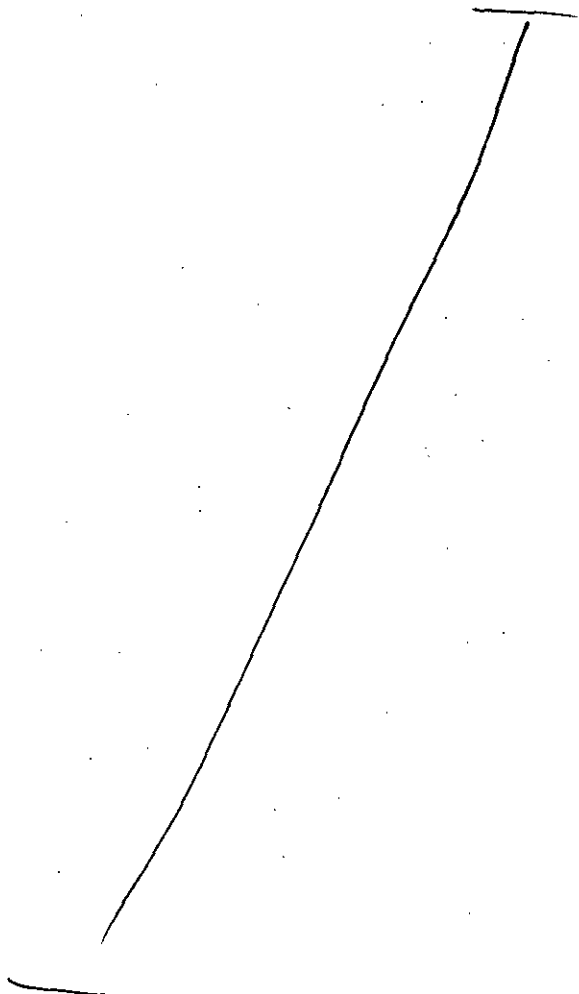
4. THE COMMISSIONER,
HOWRAH CGST & CX
COMMISSIONERATE, 15/1, Strand
Road, M.S. Building, Kolkata-700001.

5. THE COMMISSIONER,
KOLKATA AUDIT-I CGST & CX
COMMISSIONERATE, GST Bhawan,
180, Shantipally, Rajdanga Main Road,
Kolkata-700107.

6. THE COMMISSIONER,
HALDIA CGST & CX
COMMISSIONERATE, 15/1, Strand
Road, M.S. Building, Kolkata-700001.

... Respondents.

The humble application of the
applicants above named -



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/126/2020
M.A/350/73/2020

Date of Order: 24.02.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

***All India Association of Central Excise Gazetted
Executive Officers Kolkata Unit & Others***

-Versus-

Central Excise & Customs



For The Applicant(s): Mr. A. Chakraborty, counsel
Ms. P. Mondal, counsel
For The Respondent(s): Mr. A. Roy, counsel

ORDER (O R A L)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for both sides.

2. M.A 73/2020 filed under Rule 4(5)(a) of the CAT (Procedure) Rules 1987 for joint prosecution is allowed. The applicants are allowed to pursue the remedy jointly.

3. This O.A has been preferred to seek 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 such of those officers who had got the Grade Pay of Rs. 4,800/- on upgradation under ACP 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.

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

4. At hearing, ld. counsel for the applicants would submit that he would be fairly satisfied if a direction is issued to the concerned respondent authority to consider and dispose of the pending representations in the light of the Tribunal's order dated 07.02.2020 in O.A 350/155/2020 and in the light of the judgment rendered in Shiladitya Maitra & Ors in OA/350/358/2019 and to issue appropriate order.



5. Accordingly, with the consent of both the parties and without calling for reply, we dispose of the O.A by directing the competent respondent authority to consider and dispose of the pending representations in the light of O.A 350/155/2020 and OA/350/358/2019 (Shiladitya Maitra & ors) supra, within 4 weeks from the date of receipt of a copy of this order and pass appropriate order. In the event the applicants are found entitled to the relief as sought for, identical benefits shall be extended in terms of the judgment supra, within 3 months thereafter.

6. It is made clear that we have not entered into the merit of the matter and therefore all the points raised in the representations shall be open for consideration.

7. The present OA accordingly stands disposed of. No costs.

(Nandita Chatterjee)
Member (A)

ss

(Bidisha Banerjee)
Member (J)