

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

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No. O.A. 350/00246/2020

Date of order: 4.3.2020

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

WAL IMAM

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 applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, praying for the following relief:-

"(i) Office Order C. No. II(24)7/NFSG/ET/Slg/Comm/15/300 dated 02.01.2020 issued in respect of the applicant is not tenable in the eye of law and as such the same may be quashed.

(ii) An order do issue directing the respondents to pass necessary orders to extend the benefit of fixation of 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 applicant who had got the Grade Pay of Rs. 4800/- on upgradation under MACP Scheme as granted in the case of M. Subramaniam in W.P. No. 13225 of 2010 dated 6.9.2010 affirmed by the

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Hon'ble Apex Court of India along with all consequential and incidental benefits thereto along with grant of arrears at an earliest.

(iii) Costs and Incidentals.

(iv) 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. 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-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

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examine the representation filed by the applicant at Annexure A-14 to the O.A., 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 a reasoned and speaking order to the applicant forthwith thereafter.

7. With these directions, this O.A. is disposed of. Parties will bear their own costs.



(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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