



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 3216/2014

New Delhi, this the 27th day of February, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)

1. Ms. Vinita Bansal,
W/o Sh. L. M. Bansal,
R/o 1510, Gali Arya Samaj Bazar,
Sita Ram, Delhi – 6
Age 56 years.
2. Sh. Vijay Gupta,
S/o Sh. J. K. Gupta,
R/o C-49, Second Floor,
Vipul World, Sector – 48,
Sohna Road, Gurgaon,
Age 54 years.
3. Sh. Amit Vyas,
S/o Late Sh. Krishan Kant Vyas,
R/o 8/24, Ramesh Nagar,
New Delhi,
Age 48 years.
4. Sh. Anil Kumar,
S/o Sh. Baboo Lal,
R/o C – 153, Anand Vihar, Delhi,
Age 49 years.
5. Sh. Rajendra Kumar Chohan
S/o Late Sh. Bishan Sroop,
R/o R/o H. No. 268, Village – Dheerpur,
Near Nirankari Colony, Delhi,
Age 50 years.
6. Sh. Sprinkle Toppo,
S/o Sh. Subedar Toppo,
R/o Block No. 4, H. No. 12,
Spring Field Colony, 2nd Floor,
Sector – 31-32, Faridabad,
Age 49 years.



7. Sh. Bharat Bhushan Dudhwal,
S/o Late Sh. Bihari Lal,
R/o R/o H. No. 167, Sector -4, R. K. Puram,
New Delhi, age 55 years.
8. Sh. Surender Singh,
S/o Late Sh. Shyam Singh,
R/o H. No. 157, Sector – 4,
R. K. Puram, New Delhi,
Age 48 years.
9. Sh. Sushil Kumar,
S/o Late Sh. Bhopal Singh,
R/o H. No. L-40, Gauttam Vihar,
Ghando, Delhi,
Age 38 years.
10. Sh. Sudershan Kumar,
S/o Sh. Ram Chandra,
R/o 9/32, Trilok Puri, Delhi,
Age 40 years.

(Assistants all the applicants)

...Applicants

(By Advocate: Mr. Ajesh Luthra)

Versus

1. Union of India,
Through its Secretary,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi.
2. The Chairman,
Central Board Excise and Custom,
Department of Revenue, Ministry of Finance,
North Block, New Delhi – 110001.
3. The Director General,
Directorate General of Inspection,
Customs and Central Excise,
Cadre Conforming Authority,
'D' Shape Building, I. P. Estate,
New Delhi.



4. Director General,
Directorate General of Export Promotion,
1st Floor, Hotel Janpath,
Janpath, New Delhi.

...Respondents

(By Advocate: Mr. V. S. R. Krishna)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman:-

The applicants joined the service of Central Board of Excise and Customs (CBEC) as LDC at various points of time. All of them were promoted to the post of UDC in the year, 1989. The pay scale of that post was Rs. 1200-2040. Next promotion was to the post of Assistant, in the pay scale of Rs. 1400-2600. The applicants state that, the then Assistants, claimed the pay scale of Rs. 1640-2900 to be on par with the Assistants in Central Secretariat Service (CSS) and that was allowed in OA No. 1869/1992 and OA No. 2870/1992 w.e.f. 01.01.1986. It is also stated that as many as 23 applicants filed OA No. 2561/1999 and similar relief was granted.

2. It is stated that somewhere in the year, 2001, the establishment of CBEC was re-structured wherein the post of UDC was re-



designated as Tax Assistant and the post of Assistant as Senior Tax Assistant (STA). The applicants were promoted to the post of STA in 2003. It carried the pre revised pay scale of Rs. 5000-8000 which in turn was revised to Rs. 9300-34800 with grade pay of Rs. 4200/- under the VI CPC.

3. The applicants contend that once the post of Assistant in CBEC was allowed the pay scale on par with that of the Assistants in CSS, there was absolutely no basis for the respondents in denying such a benefit to the re-designated post of STA. In this background, they claimed the relief of revision of their pay fixation w.e.f. 30.09.2003 to the pre revised pay scale on Rs. 5500-9000 and to place them in the revised pay scale of Rs. 7450-12500 and, thereafter, in PB – 2 with grade pay of Rs. 4600/- and to grant them all monetary benefits with interest.

4. Respondents filed a counter affidavit opposing the OA. It is stated that the sole basis for the applicants to claim such a relief is on the basis of the order passed by the Tribunal in OA No.



2561/1999 and that was reversed by the Hon'ble Delhi High Court in W.P. (C) No. 915/2001 through judgment dated 06.10.2009. It is also stated that the applicants cannot compare themselves with the Assistant in CSS and the various orders relied upon by them do not support this contention at all.

5. We heard Mr. Ajesh Luthra, learned counsel for the applicants and Mr. V. S. R. Krishna, learned counsel for the respondents.

6. The applicants claim the relief just by drawing comparison with the Assistants in CSS. They never held the post of Assistant but came to be promoted only to the post of STA after the re-designation.

7. It is true that the Assistants, who worked in CBEC got the relief in the form of pay scale attached to the post of Assistants in the CSS. That, however, was set aside by the Hon'ble Delhi High Court in W. P. (C) No. 915/2001. Once the Hon'ble High Court has taken a view on the issue, the question of our taking a different view does not arise.



8. An effort is made by the learned counsel for the applicant to convince us that the recommendations of the VI CPC were not properly implemented. If that is so, the applicants were expected to raise this contention before the department itself. The Tribunal cannot undertake any comparative exercise in the matter of pay scales. Mere similarity of nomenclature or the apparent similarity of the work of the post, are somewhat deceptive. Even where the functional similarity exists, the nature of the concerned department and all other allied issues need to be taken into account.

9. We, therefore, dispose of the OA by declining to grant the relief as prayed for in the OA but leaving it open for the applicants to make a representation pointing out the alleged discrepancies in the context of implementation of the VI CPC, and claiming relief, within the framework of law. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

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(Justice L. Narasimha Reddy)
Chairman