

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.213/2020 with MA No.207/2020

This the 30th day of July, 2020

**Coram : Hon'ble Shri J.V.Bhairavia, Member (J)
Hon'ble Shri A.K.Dubey, Member (A)**

1. Jayesh Umedlal Jadia,
Male, Aged 59 years,
Retired as Assistant Commissioner, Gandhinagar Commissionerate
Residing at : A/203, Amrapali Apartments
Ankur Road, Naranpura, Ahmedabad 380 013.
2. Gulamrasul Khatri S/o. Shri Ahmedji Khatri
Male, Aged 60 years,
Retired as Assistant Commissioner, CGST Commissionerate
Surat, Div-I, Surat.
Residing at : 14, Alvi Row House, Near Ajmeri Flats,
Gorat Road, Rander, Surat 395 009.
3. Om Prakash Mool Chand Gupta
Male, Aged 60 years,
Retired as Assistant Commissioner CGST & Central Excise, Surat
Residing at : 54, Happy Bunglows, Behind Chamunda Nagar,
L.H. Road, Surat 395 006.
4. Kana Ram Agrawal S/o. Amar Chand Agarwal,
Male, Aged 61 years,
Retired as Superintendent from Vadodara-II Commissionerate
Residing at B-35, Sun Moon Society
Near Akota Garden, Akota, Vadodara – 390 020.
5. Sunil Gupte S/o. Shrinivas Gupte
Male, Aged 60 years,
Retired on 31.8.2018 from O/o. Commissioner of C. Ex. Customs
and GST (Appeals), Vadodara.
Residing at : 9-B, S.T.Co-Operative Housing Society,
Opposite T.B.Hospital, Gotri Road, Vadodara – 390 021.
6. Ramesh Kumar Thakkar S/o. Jagjivandas Thakkar,
Male, Aged 60 years,
Retired as Assistant Commissioner, CGST & Cx. Gandhinagar
Residing at : 3, Nilkanth Bunglows, Opp. ISRO Colony,
Ramdevnagar, Ahmedabad 380 015.

7. Ramkumar Meena S/o. Jansi Ram Meena
Male, Aged 61 years,
Retired as Assistant Commissioner, CGST, Ahmedabad North
Residing at : C/194, Saraswati Nagar, IOC Road,
Chandkheda, Ahmedabad 382 424.
8. Jagdish Chandra Bairwa S/o. Shri Gangaram Bairwa
Male, Aged 62 years,
Retired as Assistant Commissioner, CGST, Ahmedabad South
Residing at : A-505, Vedmata Society, IOC Road,
Chandkheda, Ahmedabad 382 424.
9. Kailash Chandra Meena S/o. Shree Gulab chand Meena
Male, Aged 61 years,
Retired as Assistant Commissioner of Customs
SVP International Airport,
Residing at : A/495, Vedmata Society, IOC Road, Chandkheda,
Ahmedabad 382 424.
10. Kaushik Kumar Devendrabha Bhatt
Male, Aged 61 years,
Retired as Assistant Commissioner, Ahmedabad North
Residing at : 41, Kulin Tenaments, Behind Bhavna Tenaments
Behind Telephone Exchange, Vasna, Ahmedabad 380 007.
11. Jitendra Dayashankar Bhatt,
Male, Aged 56 years,
Voluntarily Retired as Superintendent CC (P), HQ, Jamnagar
Residing at : 102, Kevlam-2, Jalaram-3, Street No.2,
Opp. Bharat Dairy, University Road,
Rajkot 360 005.
- 12 Radheshyam Ramadhar Rai
Male, Aged 60 years,
Retired as Assistant Commissioner, CGST Commissionerate,
Kutch, Gandhidham.
Residing at : Plot No. 346, Ward No.2B
Adipur – Kutch 370 205. Applicants.

(By Advocate : Shri N.S.Kerial)

VERSUS

1. Union of India,
Notice to be served through
The Secretary, Revenue, Ministry of Finance,
North Block, New Delhi – 110 001.
2. Central Board of Indirect Taxes,
Notice to be served through
The Chairman, CBIC,
Ministry of Finance, Department of Revenue,
New Delhi 110 001.

3. Chief Commissioner of CGST & Central Excise,
Ahmedabad Zone,
GST Bhawan, Revenue Marg,
Ambawadi, Ahmedabad 380 015.
4. Chief Commissioner of Customs
Gujarat Zone, Custom House, Nr. All India Radio,
Navrangpura, Ahmedabad 380 009.
5. Chief Commissioner of CGST & Central Excise
Vadodara Zone,
GST Bhavan, Race Course Circle, Vadodara 390 007.
6. Commissioner of CGST & Central Excise,
Gandhinagar Commissionerate,
Custom House, Nr. All India Radio, Navrangpura
Ahmedabad 380 009.
7. Commissioner of CGST & Central Excise
Surat Commissionerate, New Central Excise Building,
Chowk Bazar, Surat 395 001.
8. Commissioner of CGST & Central Excise
Vadodara-II Commissionerate,
GST Bhawan, Subhanpura, Vadodara 390 023.
9. Commissioner of CGST & Central Excise,
Vadodara -I Commissionerate,
GST Bhawan, Race Course Circle, Vadodara 390 007.
10. Commissioner of CGST & Central Excise
Ahmedabad (North) Commissionerate,
Custom House, Nr. All India Radio, Navrangpura,
Ahmedabad 380 009.
11. Principal Commissionerate of CGST & Central Excise,
Ahmedabad (South) Commissionerate
GST Bhavan, Revenue Marg,
Ambawadi, Ahmedabad 380 015.
12. Commissioner of Central Goods & Service Tax
Kutch Gandhidham
Plot No.82, Sec. 8, Opp. Ramleela Maidan
Gandhidham 370 201.
13. Principal Commissioner of Customs
Ahmedabad, Customs House
Nr. All India Radio, Navrangpura,
Ahmedabad 380 009.

14. Commissioner of Customs
Jamnagar (Prev) Commissionerate,
Sarda House, Bedi Bundar Road,
Jamnagar 361 008.....**Respondents**

O R D E R – ORAL

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

MA No. 207/2020 for Joint Application is allowed.

2. In the instant OA, counsel for the applicants, Shri N.S.Kerial submits that applicants of this OA were required to be granted Grade Pay of Rs.5400/- on completion of four years of their regular services in the Grade Pay of Rs.4800/- in PB-II by the respondents, but the respondents did not grant the same. Being aggrieved by the inaction on the part of the respondents, the applicants have preferred this OA.

3. Learned counsel for applicants submits that the applicants herein are presently serving as Superintendent in their respective Commissionerates. All the applicants have completed four years of regular service in Grade Pay of Rs.4800/- in PB-II and as per the Govt. resolution dated 29.08.2008, the pay of the present applicants are required to be fixed in the Grade Pay of Rs. 5400/- in PB-II w.e.f. the date of completion of four years of regular service.

4. It is further submitted that similarly situated officials had approached this Tribunal for the implementation of said Govt. Resolution since the respondents had granted the said benefit of stepping up of pay only to those officials who had approached the Tribunal/ High Court and declined to grant the said benefits to others who had not approached the Tribunal/ High Court. The OA

No.467/2019 and other connected OAs filed by said similarly situated officials were disposed of by this Tribunal vide common order dated 18.12.2019, therein this Tribunal by taking note of order passed by Hon'ble Apex Court as well as Hon'ble High Court, granted liberty to the applicants to submit their respective representation to the respondents and the respondents were directed to consider and pass speaking order on their said representation. Pursuant to said order, the officials had filed their representation and majority of the applicants of the said OA had been granted the Grade Pay of Rs.5400/-.

5. Learned counsel for the applicants submits that respondents are considering representation / request only of the officials, who had approached the Tribunal/Court and appropriate direction has been issued to the respondents to consider their case.

6. After arguing for some time, the learned counsel for the applicants submits that the applicants will be satisfied, if liberty is granted to the applicants to submit their representation before the respondents with respect to their claim to grant Grade Pay of Rs.5400/- to them and the respondents be directed to consider the same in terms of the order dated 18.12.2019 passed in the OA No. 467/2019 and connected OAs, as also the judgment passed by the Hon'ble Madras High Court in writ petition No. 13225/2010 dated 06.09.2010 expeditiously.

7. Considering the aforesaid submissions and perusal of the material on record, it is noticed that this Tribunal in its common order dated 18.12.2019 in OA No.467/2019 and other connected OAs, considered the very same issue as raised in this OA.

Since it is stated that most of the applicants / officials of the have been granted Grade pay of Rs.5400/- on their representation, in the light of order passed in OA No.467/2019 and taking into consideration facts and circumstances of the present case, we dispose of this OA with a liberty to the applicants to submit their representation within four weeks from the date of receipt of the copy of this order and the respondents are directed to consider and pass speaking order on their said representation, if the same is received within six weeks. It is further directed that decision so taken by the respondents shall be communicated to the applicants within fifteen days thereafter.

8. With the aforesaid observations and directions, this OA stands disposed of at admission stage itself. No order as to costs.

(A.K.Dubey)
Member (A)

(J.V.Bhairavia)
Member (J)

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