

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

OA No.322/2020

This the 22nd day of September, 2020

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

Lokesh Patiyat, S/o. Shri Shambhoolal Patiyat
Male, Aged 52 years,
Retired Superintendent, CGST (Group –B)
Retired from CGST, Audit Surat Commissionerate,
Residing at : E-703, Emerald, Royal Gems, Daman Road,
Chala, Vapi – 396 191. Applicant.
(By Advocate : Shri N.S.Kariel)

VERSUS

- 1) Union of India
Notice to be served through:
The Secretary,
Ministry of Finance, Department of Revenue
North Block, New Delhi – 110001)
- 2) Central Board of Indirect Taxes & Customs,
Notice to be served through:
The Chairman,
North Block, New Delhi. 110001.
- 3) The Chief Commissioner of CGST & Central
Excise, Vadodara Zone, GST Bhavan, Race
Course Circle, Vadodara 390007.
- 4) The Commissioner of CGST & Central Excise,
Audit Commissionerate Surat, 4th Floor, Magnus
Building, Althan Canal Road, Near Atlanta Shopping
Center, Althan, Surat 395007.....Respondents

(By Advocate : Shri H.D.Shukla)

ORDER – ORAL

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

In the instant OA, the applicant who is a retired employee of the department has averred that Non-Financial Upgradation to the Grade Pay Rs.5400/- granted to him/them cannot be offset against the First Financial Upgradation under the MACP scheme. It is also submitted by the applicant that Grade Pay of Rs.5400/- in PB-2 and Grade Pay of Rs.5400/- in PB-3 are one and the same and for the purpose of MACP, the next higher Grade Pay of Rs.5400/- is Grade Pay of Rs.6600/- in PB-3.

Based on the aforesaid contention, it is claim by the applicant that he is entitled to MACP benefits to the Grade Pay of Rs.6600/- as 2nd MACP (on next MACP) and further to grant the Second Financial Upgradation to Grade Pay of Rs.6600/- on completion of 20 years of service under MACP Scheme.

2. It is contended that the representation of the similarly placed employees for identical claim had been rejected and therefore, he is apprehending that his claim will also meet with the same result of rejection. Hence, this OA.

3. Shri H.D. Shukla, learned standing counsel for the respondents submits that on receipt of advance copy of this OA, he is appearing on behalf of the respondents.

4. Heard counsel for the parties and perused the materials on record.

5. It is noticed that on the aforesaid claim of the applicant for grant of benefits of MACP, if the representation filed by the applicant or pending, there is no decision of the competent authority on it.

We are of the view that the claim of the financial upgradation under the MACP Scheme needs to be determined by the concerned department/ employer by considering the fitness/ eligibility of the concerned employee. In absence of decision of the competent authority on the application/ representation of the applicant/employee, in our considered opinion, there is no apparent reason for us to entertain this OA at this stage.

6. In view of above discussion, we dispose of this OA by allowing the applicant to file additional representation within two weeks from today before the competent authority for redressal of his grievances. We direct the respondents that on receipt of additional representation and in case of pending representation, if any, of the applicant, consider the same in accordance with the scheme of MACP, extant instructions and fitness determined on the basis of the service record of each applicant and take appropriate decision by giving reason and intimate said decision to the applicant within forty-five days.

7. Accordingly, the OA stands disposed of at admission stage. No order as to costs.

8. Registry is directed to send a copy of this order to the counsel for both the parties through email and the applicant is at liberty to

CAT, Ahmedabad Bench

send copy of this order to the respondents through Speed Post and also through email.

(A.K.Dubey)
Member (A)

(J.V.Bhairavia)
Member (J)

nk