

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

**OA No.297/2020 with MA No.278/2020**

**This the 07<sup>th</sup> day of September, 2020**

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

1. Nilesh Gupta, S/o. Shri Rameshwar Pershad Gupta  
Male, Aged 49 years,  
Superintendent, CGST (Group –B)  
Presently posted at CGST, Bhavnagar  
Residing at : Aashiana, 38-B, Sai Baba Society  
Tilaknagar, Bhavnagar

2. Dharmendra Solanki S/o. Shri Pravinchandra Solanki  
Male, Aged 51 years,  
Superintendent, CGST (Group –B)  
Presently posted at CGST, Bhavnagar  
Residing at : 16, Vrundavan Society, Near Kalvibid  
Water Tank, Waghawadi Road, Bhavnagar.

3. Sudhir Narayan Sinha, S/o. Late Shri Rameshwar Nath  
Male, Aged 50 years,  
Superintendent, CGST (Group –B)  
Presently posted at CGST, Bhavnagar  
Residing at : 202, Vinayak Residency, Behind Swami Narayan  
Gurukul, Sardar Nagar, Bhavnagar, Gujarat 364 001.

4. Harshad Keshav Meshram, S/o. Shri Keshav Tanaji Meshram  
Male, Aged 58 years,  
Assistant Commissioner, CGST (Group –A)  
Presently posted at CGST, Bhavnagar  
Residing at : G-1, Customs Colony, Near Port Colony, Okha,  
Dwarka 361 350. .... 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 110 001.
2. Central Board of Indirect Taxes & Customs

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(Notice to be served through  
The Chairman,  
North Block, New Delhi 110 001.

3. The Chief Commissioner of CGST & Central Excise,  
Ahmedabad Zone, GST Bhawan, Revenue Marg,  
Ambawadi, Ahmedabad 380 015.
4. The Commissioner of CGST & Central Excise,  
Bhavnagar, Plot No.67-76/B-1, "Siddhi Sadan",  
Narayan Upadhyay Marg,  
Bhavnagar. 364 002. .... Respondents

**ORDER – ORAL**

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

Considering the reasons as stated in the MA No. 278/2020 for Joint Application, the same is allowed.

2. It is averred by the applicant/s in this OA 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 the say of the applicant/s 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/s that they are entitled to MACP benefits to the Grade Pay of Rs.6600/- as 2<sup>nd</sup> 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.

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

4. Heard counsel for the applicant. We have perused the materials on record.

5. It is noticed that on the aforesaid claim of the applicant/s, we do not find any specific decision taken by the respondents. In other words, there is no decision of the competent authority on the representation, if filed or pending with regard to their claim for grant of benefits of MACP.

In absence of decision on the application/ representation of the applicant/s, in our considered opinion, there is no apparent reason for us to entertain this OA at this stage. 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 considering the fitness/ eligibility of the concerned employee.

In view of this, we dispose of this OA by allowing the applicant/s to file representation/ additional representation, as the case may be, if not filed, within two weeks from today before the competent authority for redressal of their grievances. On receipt of said representation/ additional representation, as also in the case of pending representation, if any, of the applicant/s, we direct the

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respondents to 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.

**6.** With the above direction, the OA stands disposed of.

**7.** Registry is directed to send a copy of this order to the counsel for the applicants through email and the applicants are at liberty to 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)**

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