

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

OA No.212/2020 with MA No.206/2020

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. Kirankumar Chauhan S/o. Jivabhai Chauhan
Male, Aged 58 years,
Presently posted as Assistant Commissioner, in the office of
ADG (Vigilance), Ahmedabad Zonal Unit.
Residing at : C/103, Horizon Life Style
Opp. Vishwas Platinum-1
Divine Road, Sola, Ahmedabad 380 060.
2. Gervasis P. Thomas, S/o. Late Shri P.T. Thomas
Male, Aged 58 years,
Presently posted as Assistant Commissioner,
ADG (Vigilance), Ahmedabad Zonal Unit.
Residing at : B/17, Vardhaman Krupa Row House,
Near Sattadhar Society, Ghatlodia, Ahmedabad 380 061.
3. Bherulal Magraj Chauhan
Male, Aged 57 years,
Presently posted as Assistant Commissioner,
Audit, CGST, Ahmedabad.
Residing at : 5, Arjun Tenaments, Nirnay Nagar,
Chandlodia, Ahmedabad 382 481.
4. Atul Chaturvedi S/o. Sohanswarup Chaturvedi
Male, Aged 59 years,
Presently posted as Assistant Commissioner,
CGST, Ahmedabad North.
Residing at : A/6, Sangath III, Near Motera Stadium
Sabarmati, Ahmedabad 380 005.
5. Piyush S/o. Natwar lal Jha
Male, Aged 59 years,
Presently posted as Assistant Commissioner,
CGST & CE, Ahmedabad North
Residing at : 2, Central Bank Society No.1
Near Vastrapur Railway Station, Vejalpur Road,
Ahmedabad 380 051.
6. Bhuromal S/o. Rupchand Jangid,
Male, Aged 58 years,

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Presently posted as Assistant Director, DGGI, Surat Zonal Unit.
Residing at : 7/A, Shri Swastik Homes, Opp. Kapadia Health Club,
Rupali Neher (BRTS Road), Surat 395003.

7. Kamalnayan Jayendrakumar Kinariwala
Male, Aged 59 years,
Presently posted as Assistant Commissioner, A.R., CESTAT.
Residing at : A/103, Sukh Tower, Mirambica School Road,
Ankur, Naranpura, Ahmedabad 380 013.
8. Nand Kishore Beni Singh
Male, Aged 58 years,
Presently posted as Assistant Commissioner, Ahmedabad North
Residing at : 72, Kasturba Society,
Near Tekrawala School, Palanpur Patia,
Rander Road, Surat 395 009.
9. Madhubhai Premabhai Dabhi
Male, Aged 58 years,
Presently posted as Assistant Commissioner, CGST & Central
Excise,
Gandhinagar Commissionerate
Residing at : 25, Shakti Park, Pavan Chakki Road,
Ta. Nadiad, District – Kheda, Gujarat.
10. Shyam Sunder Sharma S/o. Babu Lal Sharma
Male, Aged 51 years,
Presently posted as Superintendent, CGST & Cx., Gandhinagar
Residing at : 34, Adarshnagar Society
D-Cabin, Sabarmati, Ahmedabad 380 019.
11. Ashok Israni S/o. Gordhandas Israni
Male, Aged 57 years,
Presently posted as Assistant Commissioner,
Audit Commissionerate Vadodara
Residing at : 21, Shidhchetra Co-Op. Society
Near Sarvotam Nagar, Sabarmati
Ahmedabad 380 019.
12. Babul al Meena S/o. Shri Prabhu Lal Meena
Male, Aged 59 years,
Presently posted as Assistant Commissioner, CGST & Excise,
Audit, Anand.
Residing at : B/186, Sarsvati Nagar, IOC Road,
Chand Kheda, Ahmedabad 382 424.
13. Aspi Hosang Hansotia S/o. Hosang Nadirsha Hansotia
Male, Aged 56 years,

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Presently posted as Assistant Commissioner, Audit Commissionerate Vadodara,
Residing at : 903, Vraj Vihar Tower, Opp. Aryavrat Bungalows,
Behind Someshwar-II, Satellite, Ahmedabad.

14. Sudha Sekhar W/o. Chandrasekharan. C
Female, Aged 58 years,
Presently posted as Assistant Commissioner, Vadodara-I
Residing at :301, E-Block Devnandan Platina,
Vandemataram City Road, Gota, Ahmedabad.
15. Parul Jatin Shah
Female, Aged 58 years,
Presently posted as Assistant Commissioner, Vadodara-I
Residing at : 801, Ist Floor, Ananl, Nr.H.L.Commerce Six Road,
Navrangpura, Ahmedabad 380 009.
16. Arvind Prasad S/o. Vasudev Prasad
Male, Aged 57 years,
Presently posted as Assistant Commissioner,
CGST Vadodara-1.
Residing at : 3, Ayodhya Park, Isanpur, Ahmedabad 383 443.
17. Vijaysinh Bihola S/o. Shri Pratapsinh Bihola
Male, Aged 56 years,
Presently posted as Assistant Director, DRI,
Gandhidham, Kutch.
Residing at : Plot No. 202, Ward 3B, Adipur, Kutch.
18. Arvind kumar S/o. Raghavji Chavda,
Male, Aged 59 years,
Presently posted as Assistant Commissioner, CGST, Kutch
Gandhidham Commissionerate,
Residing at : 55, Aditya, Shreeji Nagar
Nr. Railway Station, Adipur, P.O.
Meghpar Borichi 370 110.
19. Himanshu S/o. Deviprasad Bhatt
Male, Aged 59 years,
Presently posted as Assistant Commissioner,
CGST, Gandhidham, Kutch,
Residing : Ideal Colony, Behind Jayhind High School,
Maninagar, Ahmedabad 380 008.
20. Ravi Varma S/o. Late Mahesh Nandan Prasad Verma
Male, Aged 59 years,
Presently posted as Assistant Commissioner, Nadiad, Vadodara-I
Residing at : 5/5, Anik Appts. Vastrapur,,
Ahmedabad 380 015.

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21. Bhupendra S/o. Morarjibhai Chauhan
Male, Aged 59 years,
Presently posted as Assistant Commissioner,
ADG (Vigilance), Ahmedabad Zonal Unit.
Residing at : A/12/A-Krishna II, Nr. Madhav Bungalows,
Motera Sabarmati, Ahmedabad 380 005.
22. Rajesh Kumar Gandhi S/o. Shree Amarlal Gandhi
Presently posted as Assistant Commissioner, Vadodara –I
Residing at : 10, Aditya Bungalows
Near Premprakash Ashram Noblenagar Ahmedabad 382340.
23. Krishnakant hansraj Singhal
Male, Aged 56 years,
Presently posted as Assistant Commissioner, Vadodara- 2
Residing at : G/24, Akanksha Flats,
Nr. Sola Rly. Crossing, Sola Road,
Ghatlodia, Ahmedabad 380 061.
24. Sudhir Kumar Katiyar S/o. Bhajanlal Katiyar,
Male, Aged 57 years,
Presently posted as Assistant Director, Directorate General of
GST Intelligence, Regional. Unit, Vadodara-I
Residing at : F/101, Gala Aura, South Bopal,
Ahmedabad 380 059.
25. Kishor Nimavat S/o. Dalsukhbhai Nimavat
Male, Aged 58 years,
Presently posted as Assistant Commissioner, C.Ex. & CGST,
Vadodara-I.
Residing at : Block No.D/41, Central Govt. Quarters.
Nr. Darpan Society, St. Xavier's School Road,
Naranpura, Ahmedabad 380 013
26. Ranjit Dharwarkar S/o. Vishwanath Dharwarkar
Male, Aged 59 years,
Presently posted as Assistant Commissioner,
Audit Commissionerate Vadodara
Residing at : B/4, Snehkunj Society, Near Shantinagar
Refinery Road, Vadodara 390016.
27. Satish Bali S/o. Jugal Kishor Bali
Male, Aged 59 years,
Presently posted as Assistant Commissioner,
Appeal Commissionerate Vadodara
Residing at : Flat No.384 Type IV Excise Tower Central Revenue
Colony, Vadodara 390 007.

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28. Gautam lal Rupaji Ahari
Male, Aged 59 years,
Presently posted as Assistant Commissioner, Vadodara – II
Residing at : E/33, Megha Park Society
Nr. Shanti Park Society, Vasna Road, Vadodara.
29. Kirankumar Somaiya S/o. Thawardas Somaiya
Male, Aged 53 years,
Presently posted as Superintendent Vadodara-I Commissionerate
Residing at : 307-A, Punitnagar Society, Opp. Sama Indoor
Stadium,
New Sama Road, Vadodara 390 024.
30. Dashrath Mathurdas Bambhrolia,
Male, Aged 56 years,
Presently posted as Assistant Commissioner, Vadodara-II
Residing at : 78, Ashish Nagar Society, Meghaninagar,
Ahmedabad
31. Anil Kumar Agrawal S/o. Shri Mangilal Bansal
Male, Aged 59 years,
Presently posted as Assistant Commissioner, CGST & CX,
Commissionerate, Daman.
Residing at : 43, Shayona Bunglow Part-I
R.C. Technical Road, Ghatlodiya, Ahmedabad 380 061.
32. Kishanlal Kela, S/o. Shri Nakhatmal Kela,
Male, Aged 59 years,
Presently posted as Assistant Director, DGGI, Surat Zonal Unit,
Surat.
Residing at : Flat No.5/C, Tower-4,
Megh Sarnam Apptt.,
Nr. Agra Sweets, City Light, Surat 395 007.
33. Rameshchandra Hazarilal Chauhan
Male, Aged 59 years,
Presently posted as Assistant Commissioner at CGST & C.Ex.
Audit, Surat.
Residing at : A/3, 902, Swastik Milestone, Vesu Surat.
34. Nathubhai Lakhabhai Charel
Male, Aged 55 years,
Presently posted as Assistant Commissioner,
Surat Commissionerate,
Residing at : 29, Meghdhanusya Part-3
Near Pramukh Arcade, Sargasan Road,
Gandhinagar 382 421.

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35. Banwari Lal Agrawal S/o. Shri Kali Charan Agrawal,
Male, Aged 55 years,
Presently posted as Assistant Commissioner, HQ Surat
Residing at : B/18, New Navjot Society, Memnagar,
Ahmedabad 380052.
36. Dinesh Kishan lal Surati
Male, Aged 59 years,
Presently posted as Assistant Commissioner, CGST & Central
Excise, Maksud, Surat..
Residing at : 36, Sita Ram Nagar, Opp. Honey Park,
Adajan, Surat.
37. Rahulkumar S/o. Mangalbai Maru
Male, Aged 59 years,
Presently posted as Assistant Commissioner,
Surat Commissionerate,
Residing at : A/27, Sangita Park society, Tadwadi,
Cause Way Road, Surat 395 009.
38. Haresh Kishanchand Bhagia
Male, Aged 55 years,
Presently posted as Assistant Commissioner, Vapi-I, Surat
Commissionerate.
Residing at : C/202, Shivalik Heights, Chala, Vapi- 396 191.
39. Rajendrakumar S/o. Natwarlal Vyas
Male, Aged 59 years,
Presently posted as Assistant Commissioner, CGST & Central
Excise, Division – V, Vadodara-I
Residing at : A/2/403, Anmol Towers,
Shastrinagar, Ahmedabad 380 063. 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,

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- GST Bhawan, Revenue Marg,
Ambawadi, Ahmedabad 380 015.
4. Chief Commissioner of CGST & Central Excise,
Vadodara Zone,
GST Bhavan, Race Course Circle, Vadodara 390 007.
 5. Additional Director General (Vigilance)
Ahmedabad Zonal Unit,
Customs, GST & Central Excise, 4th & 5th Floor,
BSNL – Naranpura Telephone Exchange Building
Near Mangal Murti, Naranpur, Ahmedabad 380 063.
 6. Commissioner of CGST & Central Excise
Ahmedabad (North) Commissionerate,
Custom House, Nr. All India Radio, Navrangpura
Ahmedabad 380 009.
 7. Commissioner of CGST & Central Excise,
Gandhinagar Commissionerate,
Custom House, Nr. All India Radio, Navrangpura
Ahmedabad 380 009.
 8. Commissioner of CGST & Central Excise
Vadodara-I Commissionerate,
GST Bhavan, Race Course Circle, Vadodara 390 007.
 9. Commissioner of CGST & Central Excise
Vadodara-II Commissionerate,
GST Bhawan, Subhanpura, Vadodara 390 023.
 10. Commissioner of Central Goods & Service Tax
Kutch Gandhdham
Plot No.82, Sec. 8, Opp. Ramleela Maidan
Gandhidham.
 11. Commissioner of CGST & Central Excise
Daman Commissionerate,
2nd Floor, Hani's Landmark, Vapi Daman Road,
Chala, Vapi.
 12. Commissioner of CGST & Central Excise
Surat Commissionerate, New Central Excise Building,
Chowk Bazar, Surat 395 001.
 13. Commissioner of CGST & Central Excise
Audit Commissionerate, Ahmedabad
301, GNFC Tower, S.G. Highway,
Bodakdev, Ahmedabad 380054.

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14. Commissioner of CGST & Central Excise
Audit Commissionerate, Vadodara
CGST & Excise Building, Subhanpura, Vadodara 390 023.
15. Commissioner of CGST & Central Excise
Audit Commissionerate, Surat, 4th Floor,
Magnus Building, Althan Canal Road,
Nr. Atlanta Shopping Center, Althan, Surat 395 007.
16. Additional Director General
DGGI, Vadodara Regional Unit,
1st Floor, Pujer Complex, Opposite Golden Silver Apartment,
Subhanpura, Vadodara 390 023.
17. Additional Director General
DGGI, Surat Zonal Unit, 4th Floor,
White House, Nr. Rungta Arcade, VIP Road,
Vesu, Surat 395 007.
18. Additional Director General
Directorate of Revenue Intelligence
Ahmedabad Zonal Unit
15, Magnet Corporate Park, Off. S.G. Highway,
Near Sola Over Bridge, Thaltej, Ahmedabad 380 054.
19. Commissioner (A.R.), CESTAT, Ahmedabad
3rd Floor, B Block, Bahumali Bhavan, Near Girdharnagar
Bridge, Asarwa, Ahmedabad 380 004.**Respondents**

ORDER – ORAL

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

MA No. 206/2020 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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