

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

**OA No.299/2020 with MA No.280/2020**

**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) Joshi Haresh, S/o Shri Jatashankar,  
Male, Aged 50 Years,  
Superintendent, Customs (Group B),  
Presently posted at Customs (Preventive), Jamnagar,  
Residing at 91, Rupali Society,  
Talaja Road, Bhavnagar 364002
  
- 2) Ramkumar Meena, S/o Shri Ramnarayan Meena,  
Male, Aged 56 Years,  
Superintendent, Customs (Group B),  
Presently posted at Customs (Preventive), Jamnagar,  
Residing at 70/244, Sagwadi, Kaliabid, Bhavnagar-364001
  
- 3) Nishant Bhatt, S/o Shri Hasmukhbhai Bhatt,  
Male, Aged 50 Years,  
Superintendent, Customs (Group B),  
Presently posted at Customs (Preventive), Jamnagar,  
Residing at 683-A, Deri Road, K K Avenue,  
Bhavnagar..... Applicants

**(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) The Central Board of Indirect Taxes & Customs  
Notice to be Served through:  
The Chairman,  
North Block, New Delhi- 110 001
- 3) The Chief Commissioner of Customs  
Gujarat Zone,  
2<sup>nd</sup> Floor, Custom House,  
Navrangpura, Ahmedabad- 380 009

4) The Commissioner of Customs (Preventive),  
Jamnagar Commissionerate, Sarda House,  
Bedi Bundar Road, Jamnagar 361008.....Respondents.

**ORDER – ORAL**

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

Considering the reasons as stated in the MA No. 280/2020 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 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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