

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

OA No.294/2020 with MA No.275/2020

This the 07th day of September, 2020

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

1. Patel Jesangbhai, S/o Shri Abherajbhai,
Male, Aged 52 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at 202, Ananya Residency, Paliyadnagar,
Naranpura, Ahmedabad – 380013
2. Thottathil Joseph, S/o Shri Antony,
Male, Aged 53 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at A-303, Serene Lifestyle,
Chandlodia, Ahmedabad-382481
3. Suryanarayanan Iyer, S/o Shri Natarajan,
Male, Aged 50 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at 4B, Devani Apartments,
Lad Society Road, Vastrapur, Ahmedabad
4. Sanwormal Hudda, S/o Shri Chetanram Hudda,
Male, Aged 52 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at A/T-2, Rajdhani Apartments,
Memnagar, Ahmedabad
5. Falguni Ray Choudhury, S/o Shri Tanay Kumar,
Male, Aged 55 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at B-402, Simandhar Tower, Judges' Bungalows
Road, Bodakdev, Ahmedabad-380054
6. Ajay Kumar Agarwal, S/o Shri Shridharlal Agarwal,

Male, Aged 53 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at A-701, Gurukul Park, Near Sterling Hospital,
Gurukul Road, Memnagar, Ahmedabad-52

7. Jadav Dilip, S/o Shri Bhudarbhai,
Male, Aged 49 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at 12, Achal Residency - II, Near New C. G. Road,
Chandkheda, Ahmedabad - 382 424
8. Chetan Kumar Varma, S/o Shri Ashokkumar,
Male, Aged 50 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at 564, Tejas Society, Sector 23, Gandhinagar 382023
9. Prasanna Raman, D/o Shri Gopinathan,
Female, Aged 51 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at C1/91, Goyal Intercity, Drive-In Road, Thaltej,
Ahmedabad 380054
10. Warrier Shyamsunder, S/o Late Shri Sekharan,
Male, Aged 54 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at E-11, Sharanam-9, Opp. Chandan Party Plot,
Satellite, Ahmedabad 380015
11. Sandip Mehta, S/o Shri Shashikant Premchand,
Male, Aged 52 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at B 2-21, Arjun Apartment, Nr. Pragati Nagar,
Naranpura, Ahmedabad
12. Nathan Rajesh, S/o Shri Raghunathan,
Male, Aged 50 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,

Residing at B-5, Aagman Row House, Opp. Lotus School, Nr. Jodhpur Gam, Satellite, Ahmedabad

13. Jignasu Trivedi, S/o Shri Chandrakantbhai Trivedi,
Male, Aged 50 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at D-203, Third Floor, Samarpan Tower, Nr. Jivan Sandhya Old Age Home, Nr. Jay Mangal BRTS Bus Stop, Naranpura, Ahmedabad-380013
14. Modh Prakashchandra, S/o Shri Modh Babulal,
Male, Aged 51 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at 7, Devdarshan Bungalows, Near Vibhusha Bungalows, Ghuma-Bopal, Ahmedabad-380058
15. Patel Kiritkumar, S/o Shri Kishorbhai,
Male, Aged 53 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at 100, Heritage Bungalows, Opp. Science City, Bhadaj, Ahmedabad-380060
16. Keecharil Jacob, S/o Shri Keecheril Philip,
Male, Aged 54 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at F-104, Surel Apartments, Premchandnagar Road, Near Devashish, Bodakdev, Ahmedabad
17. Jagjitsingh Multani, S/o Shri Ravelsingh Multani,
Male, Aged 48 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at Plot No. 26/1, Kisan-Nagar, Sector-26, Gandhinagar
18. Vipul Dave, S/o Shri Trikamlal Dave,
Male, Aged 54 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at B. No. 3, Siddhi Dutt-3, Aarohi Club Road, Ghuma, Ahmedabad-59

19. Somnath Santosh Kumar Chaudhary,
Male, Aged 52 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at 22-Shayona Vihar Bunglows, Near C.P. Nagar,
Bhuyangdev, Ghatlodia, Ahmedabad-380061.

20. Neilprakash Govindlal Makwana,
Male, Aged 50 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at A/5, Pradhyumna Society, Ramol Road, Near
Sindhwai Mata Temple, Ahmedabad 38 00 26

21. Manoj Kumar Bhasin,
S/o Late Shri Purushottam Lal Bhasin,
Male, Aged 54 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at C 71, Westend Park, Behind Gobind Dham
Gurudwara, Thaltej, S. G. Road, Ahmedabad,
Gujarat 380 059

22. Raval Dakshesh, S/o Shri Becharlal,
Male, Aged 51 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at 5, Trishla Kutir, 100 Ft. Hebatpur Road,
Thaltej, Ahmedabad-380059

23. Parekh Nilesh, S/o Shri Ramanlal,
Male, Aged 51 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at 11, Arham Bunglow, Zydus Hospital Road,
Thaltej, Ahmedabad 380059

24. Punit Chaturvedi, S/o Shri Munnalal Chaturvedi,
Male, Aged 50 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at M-48/287, Pragatinagar, Naranpura,
Ahmedabad – 13

25. Jyothimon Dethan, S/o Shri Dharma Dethan,
Male, Aged 49 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at C-64, Anjani Society, Near Janta Nagar,
Chandkheda, Sabarmati, Ahmedabad-382424
26. Rakesh Kumar Shikariya, S/o Shri Bishambhar Singh,
Male, Aged 53 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at B-901, Akshardham Tower, Near Shahibaug
Underbridge, Shahibaug, Ahmedabad-380004
27. Sharma Alpana, W/o Shri Sharma Arvindkumar,
Female, Aged 48 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at 5-Tenament, Simandhar Society, Near
Nagalpur College, Highway, Mehsana
28. Hardeep Kaur Bhatia, D/o Shri Surinder Singh Bhatia,
Female, Aged 51 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at 804, Moin Apartment, Near Mithakhali Circle,
Navrangpura, Ahmedabad
29. Virendra Singh, S/o Shri Knahaiyaram,
Male, Aged 52 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at C-12, Century Tower, B/h. The Grand Bhagvati
Hotel, Judges Bungalow Road, Bodakdev,
Ahmedabad – 380054
30. Rajesh Kumar Agrawal,
S/o Shri Kailash Chandra Agrawal,
Male, Aged 53 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at E-304, Shaswat Mahadev-2, RTO Road,
Vastral, Ahmedabad-382418
31. Nipam Shah, S/o Shri Pravinchandra Shah,

Male, Aged 50 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at 1, Minapark Society, Opp. Kiran Park, Nava
Vadaj, Ahmedabad

32. Nair Sylesh, S/o Shri Madhavan Nair,
Male, Aged 56 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at 188 A, Purushottam Park, Near New Little
Flower School, Near Vallabh Park, Chandkheda,
Ahmedabad, Pin-382424

33. Vivek Shrivastava, S/o Shri Kaushal Kumar Shrivastava,
Male, Aged 53 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at A-17, Swastik Apartment, Near Judges
Bungalow Cross Road, B/h Raksha Hospital, Bodakdev,
Ahmedabad

34. Surinder Singh Dangi, S/o Shri Phulsingh,
Male, Aged 52 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at 202/B, Rudraprayag Tower, B/h Satellite Police
Station, Ahmedabad – 380015

35. Ashok Jain, S/o Shri Mohanlal,
Male, Aged 51 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at P-5, Sujata Flat, Shahibag, Ahmedabad

36. Kuttikkattu Gopalakrishna Harikrishnan,
S/o Shri K. R. Gopalkrishna Pillai,
Male, Aged 51 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at A-97, Shreelal Duplex, Iscon Temple Road,
Vasna, Vadodara

37. Kuttikandathil Shaji Mathew,
S/o Shri Kuttikandathil Kuzhiparambil Mathai Mathew,

Male, Aged 53 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at B-22, Sursagar Apts.,
Opp. Aryavrat Bungalows, Near Prernathith Derasar,
Satellite, Ahmedabad-380015

38. Rajanikant Pandey, S/o Shri Indrasan Pandey,
Male, Aged 52 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at 4, Nature Green Villa, Near Umiyamata
Temple, Shilaj, Ahmedabad

39. Shrinath Khandelwal, S/o Shri Shantilal Khandelwal,
Male, Aged 52 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at 33, Anandham Society, Near Wonder Point,
Near CTM Chowkadi, Ahmedabad

40. Saurabh Arora, S/o Shri Sham Lal Nandwani,
Male, Aged 42 Years,
Superintendent, Customs (Group B), Customs, Ahmedabad
Commissionerate (presently on deputation to Directorate of
Enforcement, New Delhi),
Residing at E-204, Sector-1, Suncity, Sardar Patel Ring
Road, Bopal, Ahmedabad – 380058

41. Tarun Ayani, S/o Shri Mohandas,
Male, Aged 52 Years,
Superintendent, Customs (Group B),
presently posted at Customs, Ahmedabad,
Residing at B-10, Anjali Apartments, Opp. Gurudwara,
Near Railway Colony, Maninagar,
Ahmedabad 380008..... 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 110 001.

2. 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,
2nd Floor, Custom House,
Navrangpura, Ahmedabad- 380 009.
4. The Principal Commissioner of Customs,
2nd Floor, Custom House,
Navrangpura, Ahmedabad- 380 009Respondents

O R D E R – ORAL

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

Considering the reasons as stated in the MA No. 275/2020 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 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.

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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