

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

OA No.300/2020 with MA No.281/2020

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) Amrendra Narayan Singh, S/o Shri Abdhesh Prasad Singh, Male, Aged 51 Years, Superintendent, CGST (Group B), presently posted at CGST, Audit Vadodara Commissionerate, Residing at 23, Rutansh Duplex, Opp. Yash Complex, GotriSamta Road, Gotri, Vadodara 390021
- 2) Atar Singh, S/o Shri Natthi Singh, Male, Aged 59 Years, Superintendent, CGST (Group B), presently posted at CGST, Audit Vadodara Commissionerate, Residing at B-77, Shivanjali Society, Behind Yash Complex, Near GERI, Gotri Road, Vadodara 390021
- 3) Rajesh Mansharamani, S/o Shri Kishanchand, Male, Aged 47 Years, Superintendent, CGST (Group B), presently posted at CGST, Audit Vadodara Commissionerate, Residing at 34/35, Karan Park, Near D-Mart, Adajan, Surat-395009
- 4) Dave Janardan, S/o Shri Maheshchandra Jayshanker Dave, Male, Aged 48 Years, Superintendent, CGST (Group B), presently posted at CGST, Audit Vadodara Commissionerate, Residing at 16, Suvarnapat Society, Nr. Citizen Char Rasta, Atma-Jyoti Ashram Road, Subhanpura, Vadodara – 390023
- 5) Vrajesh Kumar Vakharia, S/o Shri Prabhudasbhai Vakharia, Male, Aged 59 Years, Superintendent, CGST (Group B), presently posted at CGST, Audit Vadodara Commissionerate, Residing at 302, AnandNiwas Apartment, Green Park Society, Nizampura Road, Vadodara 390002
- 6) Rajinder Chaudhry, S/o Shri Roop Chaudhry,

Male, Aged 57 Years,
Assistant Commissioner, CGST (Group A),
presently posted at CGST, Audit Vadodara Commissionerate,
Residing at A 202, Signature Society,
Natubhai Circle, Race Course Road, Vadodara 390007.

- 7) Yashwant Kumar Malwiya, S/o Shri Mohan Lal Malwiya,
Male, Aged 54 Years,
Superintendent, CGST (Group B), presently posted at CGST,
Audit Vadodara Commissionerate,
Residing at 7-A , Arnav Complex ,
Bldg. No. II City Light Road, Surat 395007.
- 8) Shital Jadeja, W/o Shri Krishnasinh Jadeja,
Female, Aged 49 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Vadodara Commissionerate,
Residing at H-501, Sepal Residency,
Off GotriSevasi Road,
Opp. Gayatri Party plot, Vadodara – 390021.
- 9) Amitabh Jala, S/o Shri Goverdhan Lal,
Male, Aged 49 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Vadodara Commissionerate,
Residing at 74, Shivanjali Society, Opp. Bansal Mall,
GERI Road, Gotri, Vadodara-390021
- 10) Deepti Mukesh, D/o Late Shri Narikundil Golden Jubily,
Female, Aged 47 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Vadodara Commissionerate,
Residing at 18, Earth Bunglows, AksharChowk,
Old Padra Roda, Vadodara-390020.
- 11) Hirenkumar Kothari, S/o Shri Hasmukhlal Kothari,
Male, Aged 54 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Vadodara Commissionerate,
Residing at 202, Flora Tower,
Sepal Residency, B/h Gangotri Party Plot,
SamaSavli Road, Vadodara-390 024.
- 12) Shanti Swaroop Meena, S/o Shri Bharat Lal,
Male, Aged 50 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Vadodara Commissionerate,
Residing at IV/387, GST Tower,
Central Revenue Colony,

Race Course Circle, Vadodara-390007

- 13) Prema Ram Meena, S/o Shri BadriLal Meena, Male, Aged 51 Years, Superintendent, CGST (Group B), presently posted at CGST, Audit Vadodara Commissionerate, Residing at A/102, KishanAnexee, B/h Bansal Mall, Gotri, Vadodara.
- 14) Arun Kumar Gupta, S/o Shri Phool Chand Gupta, Male, Aged 52 Years, Superintendent, CGST (Group B), presently posted at CGST, Audit Vadodara Commissionerate, Residing at B-23/24, Ravi Park Soc, Nr KalyanPArty Plot, Vasna Road, Vadodara-390007.
- 15) Sujit Gaekwad, S/o Shri Pushpshil Gaekwad, Male, Aged 54 Years, Superintendent, CGST (Group B), presently posted at CGST, Audit Vadodara Commissionerate, Residing at A/15, SharnamBunglows, Opp. Yash Complex, Gotri Road, Vadodara-21.
- 16) Rohitashwa Meena, S/o Shri Nandkishore Meena, Male, Aged 53 Years, Superintendent, CGST (Group B), presently posted at CGST, Audit Vadodara Commissionerate, Residing at A-8, Ganga Jamuna Society, Subhanpura, Vadodara. Applicant.

(By Advocate : Shri N.S.Kariel)

VERSUS

- 1) Union of India
Notice to be served through:
Secretary, Revenue
Ministry of Finance,
North Block, New Delhi – 110001)
- 2) Central Board of Indirect Taxes,
Notice to be Served through:
The Chairman, CBIC,
Ministry of Finance, Department of Revenue,
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 Vadodara, CGST & Excise Building, Subhanpura, Vadodara 390023. Respondents

ORDER – ORAL

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

Considering the reasons as stated in the MA No. 281/2020 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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