

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

OA No.286/2020 with MA No.267/2020

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) Manoj Kumar, S/o Shri Anandi Prasad Yadav,
Male, Aged 48 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Rajkot,
Residing at B-101, Shilpan Villa, Near IOC Quarters,
Kalawad Road, Rajkot – 360005
- 2) Shiny Dennis, W/o Shri Dennis Daniel,
Female, Aged 50 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Rajkot,
Residing at Dipti Nivas', 2-Archana Park, Opp. Panchayat
Nagar, University Road, Rajkot 360 005
- 3) Shivkumar Iyer, S/o Late Shri Krishnamoorthy,
Male, Aged 52 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Rajkot,
Residing at No. 184, Single Maliya, Bharat Nagar, Bhavnagar
- 4) Jitendra Singh, S/o Shri Indradeo Singh,
Male, Aged 51 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Rajkot,
Residing at C-101, Shilpan Villa, Near IOC Quarters,
Kalawad Road, Rajkot – 360005
- 5) Gohil Dharmendrasinh, S/o Shri Ranjitsinh Gohil,
Male, Aged 53 Years,
Superintendent, CGST (Group B),
Presently posted at CGST, Audit Rajkot,
Residing at 11, Krishna Park society, Near Victoria Park
Water Tank, D.B. Bath, Bhavnagar

- 6) Rajiv Kumar Kanchan, S/o Shri Suraj Prakash Kanchan, Male, Aged 51 Years, Superintendent, CGST (Group B), presently posted at CGST, Audit Rajkot, Residing at House - KANCHAN, Jyoti Nagar, Street No. 2, Behind I. O. C. Flats, Kalawad Road, Rajkot – 360005
- 7) Rajendra Kumar Gupta, S/o Shri Bihari Lal Gupta, Male, Aged 51 Years, Superintendent, CGST (Group B), presently posted at CGST, Audit Rajkot, Residing at Shiv Shruti, House No. 2, Behind I. O. C. Flats, Kalawad Road, Rajkot – 360005
- 8) Gunvant Sinh Jhala, S/o Shri Jayendra Sinh Jhala, Male, Aged 50 Years, Superintendent, CGST (Group B), presently posted at CGST, Audit Rajkot, Residing at Rail Nager - 3, Plot No. 7, Bajarangwadi Main Road, Rajkot – 360006
- 9) Keshuram Katara, S/o Shri Bhanji Katara, Male, Aged 52 Years, Superintendent, CGST (Group B), presently posted at CGST, Audit Rajkot, Residing at Central GST & Customs Officers' Colony, Quarter No. 5, Type-IV, Race Course, Ring Road, Rajkot-360001. 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 CGST & Central Excise, Ahmedabad Zone, GST Bhawan, Revenue Marg, Ambawadi, Ahmedabad-380015
- 4) The Commissioner of CGST & Central Excise, Audit Commissionerate Rajkot, Hotel Royal Inn Building, Near Girnar Cinema, Rajkot-360001

O R D E R – ORAL

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

Considering the reasons as stated in the MA No. 267/2020 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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