

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

**OA No.285/2020 with MA No.266/2020**

**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) Dipti Chirag Dave, W/o Shri Chirag Dave,  
Female, Aged 52 Years,  
Superintendent, CGST (Group B),  
presently posted at CGST, Ahmedabad North,  
Residing at 17, Giriraj Tenament, Ghodasar, Ahmedabad
- 2) Jos Francis Vithayathil, S/o Shri Francis Vareed Vithayathil,  
Male, Aged 53 Years,  
Superintendent, CGST (Group B),  
presently posted at CGST, Ahmedabad North,  
Residing at A-503, Malabar County-2, Behind Nirma University,  
Village Tragad, Ahmedabad-382470
- 3) Misra Manoj Kumar, S/o Shri Deo Narain Misra,  
Male, Aged 50 Years,  
Superintendent, CGST (Group B),  
presently posted at CGST, Ahmedabad North,  
Residing at C-306, Sharan Residency, Off. New C G Road,  
Chandkheda, Ahmedabad
- 4) Narendra Gokhru, S/o Shri Bhanwar Lal Gokhru,  
Male, Aged 50 Years,  
Superintendent, CGST (Group B),  
presently posted at CGST, Ahmedabad North,  
Residing at A-403, Shakti-243 Apartments, Sandesh Press Road,  
Bodakdev, Ahmedabad 380054.
- 5) Sureshkumar Kikani, S/o Shri Shamjibhai,  
Male, Aged 53 Years,  
superintendent, CGST (Group B),  
presently posted at CGST, Ahmedabad North,  
Residing at 202, Suramya Apartment, Panchvati Second Lane,  
Ambawadi, Ahmedabad-380 006

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- 6) Ramavatar Meena, S/o Shri Kanhaiyalal Meena,  
Male, Aged 52 Years,  
Superintendent, CGST (Group B),  
presently posted at CGST, Ahmedabad North,  
Residing at 203, Mahavir Flat, New C G Road, Chandkheda,  
Ahmedabad - 382 424.
- 7) Anil Desai, S/o Shri Anantrao,  
Male, Aged 54 Years,  
Superintendent, CGST (Group B),  
presently posted at CGST, Ahmedabad North,  
Residing at A-53, Vijaypark Society, Nr. Cheher Mata Temple,  
Gor-No-Kuvo, Maninagar (East), Ahmedabad-380008.
- 8) Surgyan Singh Meena, S/o Shri Sadhu Ram Meena,  
Male, Aged 52 Years,  
Superintendent, CGST (Group B),  
presently posted at CGST, Ahmedabad North,  
Residing at B/402, Vrundavan Pearl, Opposite Omkar  
Bungalows, Visat-Gandhinagar Road, Chandkheda, Ahmedabad-  
382424.
- 9) Elizabeth Zacharia, D/o Shri K G George,  
Female, Aged 47 Years,  
Superintendent, CGST (Group B),  
presently posted at CGST, Ahmedabad North,  
Residing at B-103, Ishaan 3, Opp. Shell Petrol pump,  
Anandnagar Road, Satellite, Ahmedabad-380015
- 10) Nazima Shaikh, D/o Shri Sharfuddin Shaikh,  
Female, Aged 50 Years,  
Superintendent, CGST (Group B),  
presently posted at CGST, Ahmedabad North,  
Residing at A-21, Rehnuma Society, Nr. F. D. School,  
Juhapura, Ahmedabad-380055
- 11) Bindu Muraleedharan, D/o Shri Govindankutty,  
Female, Aged 48 Years,  
Superintendent, CGST (Group B),  
presently posted at CGST, Ahmedabad North,

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Residing at 4/4, Swagat Residency, Motera Road, Sabarmati,  
Ahmedabad-380005

- 12) Prem Chand Jain, S/o Shri Gemarmal Jain,  
Male, Aged 54 Years,  
Superintendent, CGST (Group B),  
presently posted at CGST, Ahmedabad North,  
Residing at 1, Bandhu Samaj Society, Near Panchheel Bus  
Stand, Usmanpura,  
Ahmedabad-380013.
- 13) Vaghela Ramji S/o. Shir Mulchandbhai Kanjibhjai Vaghela  
Male, Aged 54 Years,  
Superintendent, CGST (Group B),  
Presently posted at CGST, Ahmedabad North,  
Residing at C-35, Coral Bungalows, Opp. Lubi Showroom, S.P.  
Ring Road, Nana Chiloda,  
Ahmedabad-380013. .... 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,  
Ahmedabad (North) Commissionerate, Custom  
House, Nr. All India Radio, Navrangpura,  
Ahmedabad-380009..... Respondents.

**ORDER – ORAL**

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

Considering the reasons as stated in the MA No. 266/2020 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

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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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