

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

OA No.289/2020 with MA No.270/2020

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) Iyengar Vijay, S/o Shri Gopalakrishnan,
Male, Aged 53 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Ahmedabad,
Residing at 303, Alaukik Apartments, 16, Prakashnagar
Society, Near Jawaharchowk, Maninagar,
Ahmedabad-380008.
- 2) Vijay Kumar Meena, S/o Shri Shersingh Meena,
Male, Aged 49 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Ahmedabad,
Residing at 1, Ishan Bungalows, New C.G. Road,
Chandkheda, Ahmedabad 382424
- 3) Dhara Dave, D/o Shri Pradyumnaray Kalidas Dave,
Female, Aged 54 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Ahmedabad,
Residing at E-203, Sumadhur-II, Ambawadi, Ahmedabad
- 4) Nair Girish, S/o Shri Shivshankar,
Male, Aged 49 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Ahmedabad,
Residing at A-7, Marutinandan Villa-2, Near Aarohi Villa,
S.P. Ring Road, Bopal, Ahmedabad-380058.
- 5) Renuka Chaudhary, D/o Shri Prabhakaran Damodaran
Nair, Female, Aged 52 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Ahmedabad,

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Residing at 22-Shayona Vihar Bungalows, Near C.P. Nagar, Bhuyangdev, Ghatlodia, Ahmedabad-380061.

- 6) Shailesh Vaidya, S/o Shri Jaysukhlal Vaidya,
Male, Aged 52 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Ahmedabad,
Residing at A/1, Shri Dev Prayag Apartments, Opp.
World Business House, Near Parimal Garden, Ambavadi,
Ahmedabad-380006
- 7) Suresh Chirikandoth House, S/o Shri Balan Nair,
Male, Aged 51 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Ahmedabad,
Residing at L-8, Goyal Plaza, Opp. Goyal Park,
Vastrapur, Ahmedabad-380015.
- 8) Girish Chandra Budhory,
S/o Shri Harish Chandra Budhory,
Male, Aged 52 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Ahmedabad,
Residing at B-4, Devkutir Bungalows, New C. G. Road,
Chandkheda, Ahmedabad-382424.
- 9) Rajendra Patel, S/o Shri Rambhai Patel,
Male, Aged 53 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Ahmedabad,
Residing at 8, Narayan Society, Near Shikshak Bhavan,
District Kheda, At & Post Mahemdavad, Pin-387130.
- 10) Ranjan Kumar Rakshit, S/o Shri Anjan Kumar Rakshit,
Male, Aged 49 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Ahmedabad,
Residing at 18, Amit Co-operative Housing Society Ltd.,
Near P. T. College, Paldi, Ahmedabad-380007.
- 11) Chandra Shekhar Prasad, S/o Late Shri Bhagwan Saw,
Male, Aged 52 Years,
Superintendent, CGST (Group B),

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presently posted at CGST, Audit Ahmedabad,
Residing at 14, Trishla Vatika, Near Madhav Farm, Zydus
Hospital Road, Thaltej, Ahmedabad-380059.

- 12) Smt. Anjali Desai, W/o Shri Nilendu Desai,
Female, Aged 56 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Ahmedabad,
Residing at B-1 OM, B/s Laxmi Bungalow, Bopal,
Ahmedabad 380058.
- 13) Mahendra Kumar Rathod, S/o Shri Purshottamdas
Rathod, Male, Aged 52 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Ahmedabad,
Residing at A/3, Sonadarshan Apartment, Nr. Gayatri
Mandir, Patidar Society, Juna Vadaj, Ahmedabad-380013.
- 14) Chaitanya Trivedi, S/o Shri Kiritkumar Trivedi,
Male, Aged 51 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Ahmedabad,
Residing at 18, Anupama, Bank of India Society, Gulbai
Tekra, Ahmedabad 380015.
- 15) Sangeeta Adhikari, D/o Shri Purushottam Dass,
Female, Aged 52 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Ahmedabad,
Residing at A/48, Tejendra Nagar-7, Tragad Road,
Chandkheda, Ahmedabad.
- 16) Shylesh Damodaran, S/o Shri Kuttala Damodaran,
Male, Aged 53 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Audit Ahmedabad,
Residing at A/203, Sidhraj Appartment, Opp. Aryavrat
Bungalows, Nr. Prernatirth Derasar, Satellite,
Ahmedabad 380015.
- 17) Somnath Chakrabartty,
S/o Shri Ajoy Kumar Chakrabartty
Male, Aged 53 Years,

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Superintendent, CGST (Group B),
Presently posted at CGST, Audit Ahmedabad,
Residing at B-99, Rajeshwary Society, Chandkheda,
Ahmedabad 381 470. 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 Ahmedabad, 301, GNFC
Tower, SG Highway, Bodakdev,
Ahmedabad-380054..... Respondents

ORDER – ORAL

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

Considering the reasons as stated in the MA No. 270/2020 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

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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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