

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

OA No.291/2020 with MA No.272/2020

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) Mahesh Parmar, S/o Shri Ashabhai Parmar,
Male, Aged 53 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at E-74, Jaynidhi Township,
Near Avichal Garden,
Diwalipura, Vadodara-390007.
- 2) Bharat Pandya, S/o Shri Someshwar Pandya,
Male, Aged 53 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at 61, Shubham Row House,
Citizen School Lane, Asahan, Surat-395009.
- 3) Kompella Subrahmanya Rama Laxmipati Deekshitkumar,
S/o.Shri Late Shri KompellaAtchuta Rama Subrahmanyam
Male, Aged 51 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at Flat No. 8-B, Meghdhwani Apt,
Near Gayatri Temple,
Udhna-Magdalla Road, Surat-395017.
- 4) Bharat Kumar Gupta, S/o Shri Raghunath Prasad Gupta,
Male, Aged 51 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at A-902, Harmony Residency,
Opp. V. R. Mall, Dumas Road, Vesu, Surat 395007.
- 5) Subramaniam Iyer, S/o Late Shri Sivaramakrishnan Iyer,
Male, Aged 49 Years,

Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at I-46, Shivdhara Apartment,
Shilaj Road, Thaltej, Ahmedabad

- 6) Dharmendra Nandkumar Bhatia, S/o Shri Nandkumar Bhatia,
Male, Aged 51 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at 412, Kalindi Park, VashiFalia,
Halar, Valsad, Gujarat-396001
- 7) Ashok Kumar Meena, S/o Shri Late Shankarlal Meena,
Male, Aged 51 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at 702, Amidhara Apartment,
City Light, Surat 395007.
- 8) Mohan Singh Parmar, S/o Shri Dalpat Singh,
Male, Aged 55 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at 46, Sakar Row House,
Opp. Honey Park Society, Adjan, Surat- 395009.
- 9) Sanjay Mehta, S/o Shri Babulal Mehta,
Male, Aged 51 Years,
Superintendent, CGST (Group B),
CGST, Vadodara-II Commissionerate (presently posted at
SEZ, Dahej), Residing at 302, Sharnam Residency Flat-II,
BhawanipuraSoc, Nizampura, Vadodara 395024.
- 10) Sanjay Kumar Bundela, S/o Late Shri Sohanlal Bundela,
Male, Aged 52 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at 31, Krishna Darshan Society,
Near L P Savani School, B/h Nakshatra Apartments,
Pal, Surat 395009
- 11) Dalchand Meena, S/o Shri Ramnarayan Meena,

Male, Aged 51 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at Subhanpura ,Vadodara, Gujarat 395023.

12)Ashok Kumar Dwivedi, S/o late Shri Bhupendra Dwivedi,
Male, Aged 52 Years, Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at 405, Shila Tower,
Samarth Park, Adajan, Surat-395009

13)Guman Singh Meena, S/o Late Shri Badri Prasad Meena,
Male, Aged 55 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at 40, TirupatiBalaji Society,
AyodhyaNagari Road, PalanpurPatia, Surat-395009

14)Ram Prasad Meena, S/o Late Shri Pat Ram Meena,
Male, Aged 51 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at House No. 02, Shaktidham Row House,
NearT.V.Relay Kendra, Nanakwada,
Valsad (Gujarat) 396001

15)Ram Phool Meena, S/o Late Shri Narain Meena,
Male, Aged 55 Years, Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at B-403, Ankur Apartment,
VashiFalia, Halar, Valsad 396001.

16) Anil Kumar Agarwal, S/o Shri Jagdish Prasad Agarwal,
Male, Aged 50 Years, Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at A-601, MeghMayurMalhar,
B/h SnehSankulWadi, AnandMahal Road,
Adajan, Surat 395009

17)Suleja Philip, W/o Shri George Philip,
Female, Aged 55 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,

Residing at 17, SaundaryaBunglows,
Opp. SantKabir School, Vasna, Vadodara 390007.

- 18) Samay Singh Meena, S/o Late Shri Narayan LalMeena,
Male, Aged 51 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at Row House No. 5,
Vastav Park, Namdha Road,
Near Janseva Hospital, Vapi (West)396191.
- 19) Zachariah Thomas, S/o Shri Koippallil Varghese Thomas,
Male, Aged 54 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at C-170, Gokul Township,
Near RameshwarVidyalaya,
Gotri Road, Vadodara-390021
- 20) Devendra Kumar Srivastava, S/o Shri Nagendra Prasad,
Male, Aged 50 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at 901, Dream Home,
Near Someshwara Enclave,
Suda, Vesu, Surat-395007
- 21) Jagdish Prasad Meena, S/o Shri Gopilal Meena,
Male, Aged 55 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at B-503, Ishan Apartment, V
ashiFalia, Halar, Valsad-396001
- 22) Yashwant Singh, S/o Shri Ramugrah Singh,
Male, Aged 59 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at A-1, Parvatinagar Society,
Near AksharChowk, Old Padra Road, Vadodara - 390 020.
- 23) Ashok Kumar Suman, S/o Shri Prahlad Singh,
Male, Aged 52 Years,

Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at 202, Suhard-2, Near Kalp,
Rachna Avenue Lane,
Opp. Axis Bank, Gotri, Vadodara-390021.

24)Dinesh Kumar Mishra, S/o Shri Chandrashekhar Mishra,
Male, Aged 53 Years,
Superintendent, CGST (Group B),
CGST, Vadodara-II Commissionerate (presently posted at
SEZ, Dahej),
Residing at D-77, Rajnagar Housing Society,
Opp. Gokul Party Plot, Sainath Marg,
Syed Vasna, Vadodara-390021

25)Mahavir Jain,S/o Shri Bhujabali Jain,
Male, Aged 50 Years,
Superintendent, CGST (Group B), CGST, Vadodara-II
Commissionerate (presently posted at SEZ, Dahej),
Residing at 2, Suryavilas Society,
Opp. GERI Compound, B/h Yash Complex,
Gotri Road, Vadodara-390021

26)Devendra Agarwal, S/o Shri Ramrakh Agarwal,
Male, Aged 53 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at 1104, Venus Building,
Rajhans Campus, Pal Hazira Road,
OppRajhans Multiplex, Surat – 395009.

27)Babu Chundangaparambil Ayyappan,
S/o Shri Ayyappan Chundangaparambil Kunjandi,
Male, Aged 54 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at B-66, Durganagar Society,
Behind Tube Company, Old Padra Road,
Akota P.O., Vadodara 390 020.

28)Ajay Kumar Jha, S/o Shri Shatruighna Jha,
Male, Aged 50 Years,
Superintendent, CGST (Group B),

CGST, Vadodara-II Commissionerate
(presently posted at SEZ, Dahej),
Residing at 6, Aangan Park Society,
80 Feet Road, Anand. 388001

29) Sunil Kumar Garg, S/o Late Shri Suresh Chand Garg,
Male, Aged 53 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at B-501, Vasupujya Residency,
Near Madhuvan Circle,
L.P. Savani Road, Adajan, Surat 395 009.

30) Sanjay Mathur, S/o Shri Prem Narain Mathur,
Male, Aged 51 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at Q-607, Rajtilak Apartment,
Opp. Vaishali Buglows, City Light, Surat. 395 009.

31) Pukhraj Singhvi, S/o Shri Jethmal Singhvi,
Male, Aged 51 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at A-503, Amruthdhara Apartment,
Ghoddod Road, Surat. 395007.

32) Gitesh Parikh, S/o Shri Hirabhai Parikh,
Male, Aged 52 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at 328/B, Kalpana Society,
B/h Suryanagar, Waghoda Road, Vadodara 390025.

33) Rakesh Chauhan, S/o Late Shri Jayantilal Chauhan,
Male, Aged 51 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at 30, Shrinathji Duplex, B/h White Church,
Fatehgunj, Vadodara-390002

34) Mohammed Iqbal Darsot, S/o Shri Yakub Darsot,
Male, Aged 52 Years,

Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at C/1, Shirali Society,
B/h 7 Seas Mall, Fatehgunj, Vadodara 390002

35) Vivek Bhushan Tiwari, S/o Shri Harishchandra Tiwari,
Male, Aged 50 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at C-604, Silver Crest,
Near Green Arcade, L P Savani Road,
Pal, Adajan, Surat 395009

36) Virendra Kumar Sargiya, S/o Shri Tejpal Sargiya,
Male, Aged 51 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at E-202, Royal Gems,
Daman Road, Challa, Vapi-393191

37) Rakesh Kumar, S/o Shri Parash Nath Sharma,
Male, Aged 50 Years,
Superintendent, CGST (Group B),
presently posted at CGST, Vadodara-II Commissionerate,
Residing at I-103, MangalVatika,
Haria Hospital Road, Gunjan, Vapi 396191.Applicants

(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,
Vadodara-II Commissionerate, GST Bhavan,
Subhanpura, Vadodara 390 023...Respondents

O R D E R – ORAL

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

Considering the reasons as stated in the MA No. 272/2020 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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