

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

OA No.272/2020 with MA No.260/2020

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. Mehul Shah, S/o. Shri Kantilal Shah
Male, Aged 52 years,
Superintendent, Customs (Group –B)
Presently posted at Custom, Ahmedabad..
Residing at : B-510, Shakti Tower, Samarth Park,
Adajan Gam Char Rasta, Adajan, Surat 395 009.
2. Mukesh Kumar Khanna, S/o. Shri Bholanath Khanna,
Male, Aged 50 years,
Superintendent, Custom (Group –B)
Presently posted at Custom, Ahmedabad
Residing at : 6, Rutu Villa, New Alkapuri,
Gotri, Opp. Pratham Vatika, Vaddodara 390 021.
3. Arvind Prakash Agrawal, S/o. Shri Ghisulal Agrawal
Male, Aged 53 years,
Superintendent, Custom (Group –B)
Presently posted at Custom, Ahmedabad
Residing at : 1004, Swarna Villa Apartment-2, Vesu-VIP Road,
Surat 395 007.
4. Mahyavanshi Arvind, S/o. Shri Thakorbhai
Male, Aged 52 years,
Superintendent, Custom (Group –B)
Presently posted at Custom, Ahmedabad
Residing at : 37, Parijatnagar, Nr. Shishukunj, School,
Jahangirpura, Surat 395 005.
5. Avinash Pawar, S/o. Shri Govindrao Pawar
Male, Aged 47 years,
Superintendent, Custom (Group –B)
Presently posted at Custom, Ahmedabad Commissionerate
Residing at : A-501, Safron Homes, Near Madhuvan Circle,
Adajan, Surat 395 009.
6. Jawan Singh Damor S/o. Parthing Damor
Male, Aged 52 years,
Superintendent, Custom (Group –B)
Presently posted at Custom, Ahmedabad

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Residing at : C 701, R.K. Casta, Opp. Super Market,
Bharuch 392 001.

7. Arvind Kumar Singh, S/o. Shri Rameshwar Singh,
Male, Aged 54 years,
Superintendent, Custom (Group –B)
Presently posted at Custom, Ahmedabad
Residing at : B-901, Green Residing, Opp. Gangeshwar Mahadev,
Chhatrapati Shivaji Road, Anand mahal Rd,
Adajan, Surat 395 009.

8. Gopi Bhuwalka, S/o. Ramautar,
Male, Aged 52 years,
Superintendent, Custom (Group –B)
Presently posted at Custom, Ahmedabad
Residing at : A-501, Vastu Gram, Vesu, Surat 395 007.

9. Ajay Kumar S/o. Shri Devnandan Singh
Male, Aged 50 years,
Superintendent, Custom (Group –B)
Presently posted at Custom, Ahmedabad
Residing at : A/901, Harmony, Opp. V.R.Mall, Dumas Road,
Vesu, Surat 395 007.

10. Santosh Kumar Vijayvargia S/o. Shri Harishankar Vijay
Male, Aged 54 years,
Superintendent, Custom (Group –B)
Presently posted at Custom, Ahmedabad
Residing at : 401, Parijat Royalgarden Chala, Vapi,
District Valsad, Gujarat 396 191.

11. Prashant Chandrakiran Vasania, S/o. Shri Chandrakiran Vasania,
Male, Aged 51 years,
Superintendent, Custom (Group –B)
Presently posted at Custom, Ahmedabad
Residing at : S-402, Sapphire, Royal Gems, Vapi Daman Road,
Chala, Vapi,
District Valsad, Gujarat 396 191.

12. Ramphool Meena, S/o. Shri Mangal Ram Meena,
Male, Aged 57 years,
Superintendent, Custom (Group –B)
Presently posted at Custom, Ahmedabad
Residing at : Plot No. 15, Vastav Park, Rafel college Road,
Vapi (WEST)
District Valsad, Gujarat 396 191.

13. Data Ram Rewala, S/o. Shri Chiranji Lal Rewala
Male, Aged 55 years,

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Superintendent, Custom (Group –B)
Presently posted at Custom, Ahmedabad
Residing at : Plot No. 201, Vrundavan Flats, Near Maharaja
Agrasen Bhavan, City Light, Surat 395 007.

14. Raju Ram Chaudhary, S/o. Shri Hunta Ram
Male, Aged 50 years,
Superintendent, Custom (Group –B)
Presently posted at Custom, Ahmedabad
Residing at : A-1204, Rudram Avenue, B/h. L.P.Savani School,
Vesu, Surat 395 007.

15. Babu Venkata Subramania Prasad S/o. Late Shri Babu
Male, Aged 51 years,
Superintendent, Custom (Group –B)
Presently posted at Custom, Ahmedabad
Residing at : 50, Kasturba Mahila Society, Nr. Tekrewala High
School, Rander Road, Palanpur Patiya, Surat 395 009.

16. Banwari Lal Meena, S/o. Shri Eshara Ram,
Male, Aged 56 years,
Superintendent, Custom (Group –B)
Presently posted at Custom, Ahmedabad
Residing at : 6, Hari Darshan Row House, Nr. Saraswati School,
Honey Park Road, Surat 395 007.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 110 001.
2. Central Board of Indirect Taxes & Customs
(Notice to be served through
The Chairman,
North Block, New Delhi 110 001.
3. The Chief Commissioner of Custom,
Gujarat zone,
2nd Floor, Custom House,
Navrangpura, Ahmedabad 380 009.
4. The Principal Commissioner of Customs,
2nd Floor, Custom House,
Navrangpura, Ahmedabad 380 009..... Respondents

ORDER – ORAL

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

Considering the reasons as stated in the MA No. 260/2020 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.

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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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