

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the **21st** day of **July**, 2020

Present:

Hon'ble Mr. Justice Bharat Bhushan, Member-J
Hon'ble Mr. Devendra Chaudhary, Member-A

Original Application No. 330/0288/2020

(U/S 19, Administrative Tribunal Act, 1985)

1. Yogesh Kumar, aged about 49 years, son of Late Nawab Singh, R/o flat no. 221 Ushma Urja Apartment, C-58/3, Sector-62 Noida. Presently posted as Superintendent, in the Central GST Commissionerate Noida (U.P.).
2. Rohitash Pandey, aged about 52 years, son of Late Hari Narayan Pandey, R/o B-27, Sector-122, Noida. Presently posted as Superintendent, in the Central GST Commissionerate, Noida (U.P.).
3. Bharat Singh, aged about 52 years, son of Late Lallu Singh, R/o B-701, Raj Hans Premier Apartment, Ahinsa Khand-I, Indirapuram Ghaziabad. Presently posted as Superintendent, in the Central GST Commissionerate, Noida (U.P.).
4. Rakesh Mohan, aged about 51 years, son of Sri I.D. Bijalwan, R/o flat no. 223 Ushma Urja Apartment, C-58/3, Sector-62 Noida. Presently posted as Superintendent in the Central GST Commissionerate, Noida (U.P.).
5. Ajay Kumar Singhal, aged about 55 years, son of Late Sunder Lal Singhal, R/o G-602, Fortune Residency, Raj Nagar Extension, Ghaziabad. Presently posted as Superintendent in the Central GST Commissionerate, Noida (U.P.).
6. Prem Narayan, aged about 48 years, son of Sri Chandra Bhan Pandey, R/o L-5/206 Gulmohar Garden, Raj Nagar Extension, Ghaziabad. Presently posted as Superintendent, in the Office of the Commissioner (Appeals), Central GST, Noida (U.P.).

7. Shyamal Chanda, aged about 47 years, son of Late N.K. Chanda R/o L-5/203 Gulmohar Garden, Raj Nagar Extension, Ghaziabad. Presently posted as Superintendent in the Central GST Audit Commissionerate, Noida, (U.P.).
8. Ranbir Singh, aged about 52 years, son of Sri Faggan Singh, R/o L-2/405 Gulmohar Garden, Raj Nagar Extension, Ghaziabad. Presently posted as Superintendent, in the Central GST Commissionerate, Ghaziabad (U.P.).
9. Kusum Kumari, aged about 50 years, daughter of Late Prahlad Singh R/o A-408 Jeevan Beema Appartment, Sector-6, Vasundhara, Ghaziabad. Presently posted as Superintendent, in the Noida Customs Commissionerate, Tilapta, Gautam Budh Nagar (U.P.).
10. Tripti Rudra Pradhan, aged about 51 years, daughter of Sri Deba Brat Rudra R/o C-57 Kendriya Vihar, Sector-51, Noida. Presently posted as Superintendent, in the Noida Customs Commissionerate, Tilapta, Gautam Budh Nagar (U.P.).
11. Umesh Chand Sharma, aged about 50 years, son of Sri Jagdish Prasad Sharma, R/o 3/183, Sector-2, Rajendra Nagar Ghaziabad. Presently posted as Superintendent, in the Noida Customs Commissionerate, Tilapta, Gautam Budh Nagar (U.P.).
12. Surya Bhan Singh, aged about 48 years, son of Late Ram Dhari Singh R/o L-6/406 Gulmohar Garden, Raj Nagar Extension, Ghaziabad. Presently posted as Superintendent, in the Noida Customs Commissionerate, Tilapta, Gautam Budh Nagar (U.P.).
13. Devender Kumar, aged about 51 years, son of Late Sarju Prasad, R/o 179, Sector-6, Chiranjeev Vihar Ghaziabad. Presently posted as Superintendent, in the Central GST Commissionerate, Meerut (U.P.).
14. Sanjeev Kumar Singh, aged about 49 years, son of Late Kanwal Singh, R/o L-1/604 Gulmohar Garden Raj Nagar Extension, Ghaziabad. Presently posted as

Superintendent, in the Central GST Commissionerate, Meerut (U.P.).

15. Sujeet Kumar Sinha, aged about 52 years, son of Late Shyam Sunder Prasad R/o 16A/2113 Vasundhara, Ghaziabad. Presently posted as Senior Intelligence Officer, in the Directorate General of GST Intelligence, Zonal Unit, Meerut (U.P.).
16. Naveen Kumar Rawat, aged about 46 years, son of Sri Jagdish Singh Rawat R/o D-632, Gaur Cascades Raj Nagar Extension Ghaziabad. Presently posted as Senior Intelligence Officer, in the Directorate General of GST Intelligence, Regional Unit, Ghaziabad (U.P.).
17. Rakesh Chandra, aged about 48 years, son of, Sri N N Bhatt, R/o B-508 Jansatta Appartment, Sector-9 Vasundhara Ghaziabad. Presently posted as Senior Intelligence Officer, in the Directorate General of GST Intelligence, Regional Unit, Ghaziabad (U.P.).
18. Arpit Saxena, aged about 47 years, son of Late B.S. Saxena, R/o C-168, Shastri Nagar Ghaziabad. Presently posted as Senior Intelligence Officer, in the Directorate General of GST Intelligence, Regional Unit, Ghaziabad (U.P.).
19. Vishwajeet Kumar Jha, aged about 52 years, son of Late B K Jha R/o 281, Janhitkari Sector-6, Vasundhara, Ghaziabad. Presently posted as Senior Intelligence Officer, in the Office of the Directorate General of GST Intelligence, Zonal Unit, Meerut (U.P.).
20. Anil Kumar Sharma, aged about 53 years, son of Sri Shushil Kumar Sharma R/o Flat No. 208 Tower 2C, Golf Link, NH-24, Ghaziabad. Presently posted as Superintendent, in the Noida Customs Commissionerate, Tilapta, Gautam Budh Nagar (U.P.).
21. Arunabh Kumar Arya, aged about 51 years, son of Sri Desh Vrat Arya, R/o B-469, Block-28, Sector-51, Kendriya Vihar Noida. Presently posted as Superintendent, in the Central GST Commissionerate, Meerut (U.P.).

.....Applicants.

By Advocate – Shri Jaswant Singh.

VERSUS

1. The Union of India, through the Secretary, Ministry of Finance, Government of India, North Block, New Delhi.
2. The Secretary, Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India, New Delhi.
3. The Chairman, Central Board of Indirect Taxes And Customs, North Block, New Delhi.
4. The Principal Chief Commissioner (Cadre Controlling Authority), Central GST and Central Excise, Lucknow Zone, 7-A, Ashok Marg, Lucknow (U.P.).
5. The Chief Commissioner, Central GST & Customs, Meerut Zone, Opposite Chaudhary Charan Singh University, Mangal Pandey Nagar, Meerut (U.P.).

.....Respondents.

By Advocates : Shri L.P. Tiwari.

ORDER

Delivered By Hon'ble Mr. Justice Bharat Bhushan, J.M. :

This O.A. has been filed before this Division Bench during period of Unlock-2. Hon'ble Shri Devendra Chaudhary, Member (Administrative) has joined this Division Bench on line through Virtual Conferencing facility.

2. Shri Jaswant Singh, Advocate for the applicants is present in person and Shri L.P. Tiwari, Advocate for the respondents is present on line.

3. Heard both the parties' counsel.

4. The case of the applicants is that the matter pertains to non-functional-grade (NFG). The claim of the applicants is that the matter has already been decided by several benches of this Tribunal and ultimately the Review filed before the Hon'ble Supreme Court was also dismissed.

5. It is further contended by the learned counsel for the applicants that the respondents have sought to make out that the judgment passed by the Hon'ble Madras High Court is judgment in personam, ignoring the fact that the other Benches of this Tribunal have followed the judgment passed by the Hon'ble Madras High Court. Hence, it would be in fitness of things if the respondents consider the case of the applicants and meet out the same treatment as has been given to their other counter parts all over India.

6. In these circumstances, the respondents are directed to consider the stand of the applicants and take a decision and accord similar treatment as given to similarly situated officers of Government of India in the aforementioned litigations referred above.

7. It would be pertinent to note that the pay fixation matters, like the one under consideration are all governed by uniform policies of the Government, any judgment on these matters by

their very nature are always judgment in rem and cannot be judgment in personam, unless so specified in the order.

8. Learned counsel for the respondents is directed to forward a copy of the OA as well as the copy of the judgments furnished by the learned counsel for the applicants to the respondents for their information and consideration of the matter. The respondents would ensure that the benefit of the judgment referred in the judgment passed by this Tribunal on 09.01.2020 in OA No. 1005/2019 (Annexure A-13) be given to all the persons who are entitled to the same whether they are retired or are in service. This exercise is to be completed within a period of four months from the date of receipt of certified copy of this order.

9. With the above direction, the O.A. is disposed off. No order as to cost. However, it is made clear that we have not expressed any opinion on merits of individual case.

Hon'ble Shri Devendra Chaudhary, Member (Administrative) has consented to this order through Virtual Conferencing.

(Devendra Chaudhary)
Member (A)

(Justice Bharat Bhushan)
Member (J)

/Shakuntala/