

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL,

ALLAHABAD BENCH, ALLAHABAD

Allahabad, this the 05th day of August, 2020

Present:

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

Original Application No. 330/0327/2020

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

1. Shiv Kumar Bhargava, aged about 54 years, son of Shri Mata Prasad Bhargava, R/o Tower 2/503 Parsvanath Regalia, G.T. Road, Sahibabad, District Ghaziabad. Presently posted as Superintendent, in the Central GST Commissionerate Noida (U.P.).
2. Keshav Prasad, aged about 57 years, son of Late Guru Prasad, R/o C-83/3, Govind Puram, Ghaziabad. Presently posted as Superintendent, in the Central GST, Audit Commissionerate, Noida (U.P.).
3. Om Pal Singh, aged about 57 years, son of, Late Budh Singh, R/o 517, Nai Basti, Lalla Pura, Meerut. Presently posted as Superintendent, in the Central GST, Division Shamli, Commissionerate, Meerut (U.P.).
4. Raj Kumar, aged about 51 years, son of Shri Kripal Singh Verma, R/o A-163, Govind Puram, Ghaziabad. Presently posted as Superintendent in the Central GST, Commissionerate, Meerut (U.P.).
5. Shushil Kumar, aged about 56 years, son of Shri Radhey Shyam, R/o H.No. 39, Laxmi Vihar, Opposite Sai Nagar, Meerut. Presently posted as Superintendent in the Central GST Commissionerate, Meerut (U.P.).
6. Anil Kumar Agarwal, aged about 53 years, son of Late Hari Shankar Agarwal, R/o 258, Panchvati, Enclave, Shatabdi Nagar, Rithani, Meerut. Retired (VRS) as

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

7. Ashok Kumar, aged about 53 years, son of Shri Ram Pal Singh, R/o H-327 Govind Puram, Ghaziabad. Presently posted as Superintendent in the Central GST, Division-Haridwar(U.K.).
8. Kamendra Singh, aged about 49 years, son of Shri Diwakar Singh, R/o D-575, Govind Puram, Ghaziabad. Presently posted as Inspector, in the office of Development Commissioner, NSEZ, Noida on Deputation. Parent Cadre CCO, Customs & Central GST, Zone Meerut (U.P.).
9. Yashvant Rav, aged about 57 years, son of Late Rajaram, R/o C-107, Sector-1, Shatabdi Nagar, Meerut. Presently posted as Superintendent under the Noida Customs Commissionerate, Tilapta, Gautam Budh Nagar (U.P.).
10. Har Charan Singh, aged about 53 years, son of Sri Ramole Prasad, R/o SD-423, Shastri Nagar, Ghaziabad. Presently posted as Superintendent, under the Noida Customs Commissionerate, Tilapta, Gautam Budh Nagar (U.P.).

.....Applicants.

By Advocate – Shri Jaswant Singh.

V E R S U S

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.

O R D E R

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

This O.A. has been filed before this Division Bench during period of Unlock-3. 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. This matter pertains to non-grant of 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 *Pradeep Kumar and others v. Union of India and others* (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/