

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

**Original Application No. 330/00346/2020**

Dated: This the 11<sup>th</sup> day of August 2020

PRESENT:

**HON'BLE MRS. JUSTICE VIJAY LAKSHMI, MEMBER (J)**  
**HON'BLE MR. ANAND MATHUR, MEMBER (A)**

1. Ajay Shukla, aged about 52 years, son of late Shri Radha Kant Shukla presently posted as Superintendent in the office of the Assistant Commissioner, CGST & Central Excise, Division –II, Allahabad – UP
2. Pradeep Kumar Singh aged about 53 years, son of Late Shri Jawahar Lal Singh, presently posted as Superintendent in the office of the Commissioner, CGST & Central Excise, Allahabad UP.
3. Swapan Kumar Srivastava, aged about 54 years, son of Late Shri Gur Sagar Prasad Srivastava, presently posted as Superintendent in the office of the Assistant Commissioner, Customs (Preventive) Division – Gorakhpur, UP.
4. Prem Dutta Pandey, aged about 64 years, son of Late Shri Ganesh Dutta Pandey, retired Superintendent, Customs & Central Excise, R/o 169, Phase II Devprayagam Awas Yojna, Jhalwa, Allahabad, UP.

. . . Applicants

By Adv: Shri Prashant Shukla

V E R S U S

1. The Union of India through the Secretary, Ministry of Finance, Department of Revenue, Government of India, New Delhi.
2. The Central Board of Indirect Taxes and Customs, through its Chairman, Government of India, New Delhi.
3. The Principal Chief Commissioner (Cadre Controlling Authority) Central Goods and Services Tax & Central Excise, Lucknow Zone, 7-A, Ashok Marg, Lucknow – U.P.
4. The Secretary, Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India, New Delhi.

5. The Commissioner, CGST & Central Excise Commissionerate, 38 M.G. Marg, Civil Lines, Allahabad – UP.
6. The Commissioner Customs (Preventive) Commissionerate, Uttar Pradesh & Uttarakhand, 5<sup>th</sup> & 11<sup>th</sup> Floor, Kendriya Bhawan, Sector – H, Aliganj, Lucknow U.P.

. . . Respondents

By Adv: Shri L.P. Tiwari

### **ORDER**

#### **BY HON'BLE MR. ANAND MATHUR, MEMBER (A)**

1. Heard Shri Prashant Shukla, learned counsel for the applicants and Shri L.P. Tiwari, learned counsel for the respondents on admission and perused the record.
2. Learned counsel for the applicants brought to the notice of this Tribunal that in the case of **M. Subramaniam Vs. Union of India and others (W.P. No. 13225/2010 decided on 06.09.2010)**, the Hon'ble Madras High Court, has given a judgment for grant of Non Functional Grade. All four applicants in the instant case claim that their cases are identical to the case of M. Subramaniam (ibid) and the same benefit should be extended to them.
3. Learned counsel for the applicants further submits that applicants will be satisfied if respondent concerned may be directed to consider and decide the claim of the applicants keeping in view the judgment of M. Subramaniam (ibid) in a time bound manner.
4. In view of the limited prayer of the applicants, no useful purpose will be served if the O.A is kept pending. Hence the O.A is disposed of with a direction to the applicants to file a fresh representation regarding their claims, within two weeks from the date of receipt of certified copy of this order. The respondent concerned shall dispose

of the representation within a period of 3 months from the date of receipt of representation by way of passing a reasoned and speaking order keeping in view the judgment of M. Subramaniam (ibid).

5. It is clarified that no opinion has been expressed on merit of the case.

No order as to costs.

**(Anand Mathur)**

Member (A)

**(Justice Vijay Lakshmi)**

Member (J)

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