

Open Court

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

Allahabad, this the 18th day of August, 2020

Present:

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

Original Application No. 330/0359/2020
(U/S 19, Administrative Tribunal Act, 1985)

1. Neeraj Rawat, aged about 54 years, son of Late Thakur Chand Singh Rawat, R/o K-308 Ajnara Integrity, Raj Nagar Extension, Ghaziabad. Presently posted as Superintendent, under the Noida Customs Commissionerate, Tilapta, Gautam Budh Nagar (U.P.).
2. Jawahar Lal Gautam, aged about 53 years, son of Late Nyare Lal R/o A-166, Govind Puram, Ghaziabad. Presently posted as Superintendent under the Noida Customs Commissionerate, Tilapta, Gautam Budh Nagar (U.P.).
3. Raghu Nandan Lal, aged about 51 years, son of Shri Kedar Nath R/o L-5/805, Gulmohar Garden, Raj Nagar Extension, Ghaziabad. Presently posted as Superintendent under the Noida Customs Commissionerate, Tilapta, Gautam Budh Nagar (U.P.).
4. Ajai Singh Yadav, aged about 49 years, son of Shri Kunwar Singh Yadav, R/o 307 Utsav, Mahanagar-2, Bareilly. Presently posted as Superintendent, in the Central GST, Division-II Bareilly, Commissionerate Gautam Budh Nagar (U.P.).
5. Praveen Pathak, aged about 54 years, son of Shri Rama Shankar Pathak, R/o 102, Arihant Residency, Indirapuram, Ghaziabad. Presently posted as Superintendent, in the Central GST, Division-II Bareilly, Commissionerate Gautam Budh Nagar (U.P.).
6. Bal Gopal Sharma, aged about 55 years, son of Late Janardan Sharma, R/o J-223/15, Gama-2, Greater Noida, Gautam Budh Nagar. Presently posted as Superintendent,

in the Central GST, Commissionerate Gautam Budh Nagar (U.P.).

7. Satya Prakash, aged about 57 years, son of Shri Ram Gahan, R/o B-392, Swarn Jayanti Puram, Ghaziabad. Presently posted as Superintendent under the Noida Customs Commissionerate, Tilapta, Gautam Budh Nagar (U.P.).
8. Kailash Chand Meena, aged about 52 years, son of Late Ram Dhan Meena, R/o Keshav Kunj, Opposite Sahanai Farm, Bapudham Road, Govindpuram, Ghaziabad. Presently posted as Superintendent under the Noida Customs Commissionerate, Tilapta, Gautam Budh Nagar (U.P.).
9. Krishan Kumar, aged about 53 years, son of Late Shambhu Singh R/o B-304, Vashundhra Valley Apartment, Sector-6, Vashundhra, Ghaziabad. Presently posted as Superintendent in the Central GST, Audit Commissionerate, Noida (U.P.).
10. Deepak Sharma, aged about 47 years, son of Late Umesh Sharma, R/o K-1001, Ajnara Integrity, Raj Nagar Extension, Ghaziabad. Presently posted as Superintendent, in the Central GST, Audit Commissionerate, Noida (U.P.).
11. Pirveen Kumar Sharma, aged about 49 years, son of Late Daya Prakash Sharma R/o 42, Sarvodaya Nagar, Pilkhuwa, Hapur. Presently posted as Superintendent, in the Central GST, Commissionerate Ghaziabad (U.P.).
12. Ram Akshaiwar Maurya, aged about 58 years, son of Late Sita Ram Maurya, R/o B-136, Ashiyana Phase-I, Moradabad. Presently posted as Assistant Commissioner, in the Central GST, Audit Commissionerate Meerut (U.P.).
13. Rajesh Kumar Srivastava, aged about 51 years, son of Late Harish Chandra Srivastava R/o A-801, Fortune Residency, Raj Nagar Extension, 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 Advocate: 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. The case of the applicants is that the 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 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)