

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,**

**ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the 01<sup>st</sup> day of September, 2020

Present:

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

**Original Application No. 330/0405/2020**

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

1. Laxmi Kant Porwal, aged about 54 years, son of Late Shri R.N. Porwal, R/o C-299, New Panchwati Colony G.T. Road, Ghaziabad. Presently posted as Inspector in the Central GST & Central Excise Commissionerate, Ghaziabad (U.P.).
2. Anil Kumar Sharma, aged about 54 years, son of Late Hazari Lal Sharma, R/o Flat No. D-533, Gaur Homes Apartment Govindpuram Ghaziabad. Presently posted as Inspector in the Central GST Commissionerate, Ghaziabad (U.P.).
3. Kishor Kumar, aged about 61 years, son of Late Shri Lal Chand Yadav, r/o S-2, Plot No.36, Sahkari Nagar, Avantika, Ghaziabad. Retired as Inspector from Central GST & Central Excise Commissionerate, Ghaziabad (U.P.).
4. Adesh Kumar Verma, aged about 57 years, son of Late Kali Charan Verma, R/o 77/3, Sector-9, Shastri Nagar, Meerut. Retired (VRS) as Superintendent from the Central GST Division Bijnour Commissionerate, Meerut (U.P.).
5. Pankaj Kumar Moitra, aged about 57 years, son of Late Baidya Nath Moitra, R/o A-49, Mangal Bhawan, Vaishali Colony, Meerut. Presently posted as Superintendent, in the Central GST, Division-II, Commissionerate, Meerut (U.P.).

6. Biswadip Ghosh, aged about 59 years, son of Late Anil Kumar Ghosh, R/o 499/6, Shastri Nagar, Meerut. Presently posted as Superintendent, in the Central GST Commissionerate, Meerut (U.P.).
7. Raghvendra Singh Rathore, aged about 49 years, son of Late Jasvir Singh Rathore, R/o A-204, Arihant Paradiso Apartment, Indira Puram, Ghaziabad. Presently posted as Superintendent, in the Central GST Commissionerate, Meerut (U.P.).
8. Rishipal Singh, aged about 54 years, son of Late Rati Ram, R/o A-4, Ambedkarpuram, Dehli Road, Shaharanpur. Presently posted as Inspector, in the Central GST Audit Commissionerate, Meerut (U.P.).
9. Sunil Kumar, aged about 53 years, son of Shri Balak Ram R/o 205, Lumbini Apartment, Kaushambi, Ghaziabad. Presently posted as Superintendent in the Central GST Division Roorke.
10. Kavita Rani, aged about 48 years, wife of Shri Sunil Kumar Asad, R/o 31, Sector-6, Prem Prayag Colony, Garh Road, Meerut. Presently posted as Superintendent, in the Central GST Division-II, Commissionerate Meerut(U.P.).
11. Ved Pal Singh, aged about 52 years, son of Shri Prem Chand, R/o House no. 1031, Sector-2, Shastri Nagar, Meerut. Presently posted as Inspector, in the Central GST Audit Commissionerate, Meerut (U.P.).
12. Monica Pandey, aged about 48 years, wife of Shri Rohitash Pandey, R/o B-27, Sector-122, Noida. Presently posted as Superintendent, in the Central GST Commissionerate, Noida (U.P.).
13. Harsh Mody, aged about 53 years, wife of Shri Vijay Mody, R/o D-25, Sector-12, Noida. Presently posted as Inspector, in the Central GST Commissionerate, Noida (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-4. 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 No. A-14) 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 Chaudhry, Member (Administrative) has consented to this order through Virtual Conferencing.

**(Devendra Chaudhry)**  
Member (A)

**(Justice Bharat Bhushan)**  
Member (J)