

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,**

**ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the 03<sup>rd</sup> day of September, 2020

Present:

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

**Original Application No. 330/00412/2020**

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

1. Girish Chandra Pandey, aged about 58 years, son of Late Krishna Murari Pandey, R/o Type-V D-4, Customs & Central Excise Officers Flats, Mangal Pandey Nagar, University Road, Meerut. Presently posted as Assistant Commissioner, in the Central G.S.T. Commissionerate, Meerut (U.P.).
2. Pushpendra Verma, aged about 51 years, son of Late Chandu Lal, R/o IIA/21, Nehru Nagar, Ghaziabad. Retired (VRS) as Superintendent from Central G.S.T. Div. Moradabad, Commissionerate, Meerut (U.P.).
3. Sunil Kumar Shah, aged about 47 years, son of Late H.L. Shah, R/o L-1-205, Gulmohar Garden, Raj Nagar Extension, Ghaziabad. Presently posted as Superintendent in the Central G.S.T. Commissionerate, Dehradun.
4. Dinesh Kumar Gautam, aged about 54 years, son of Shri R.C. Gautam, R/o T-1/1303, La Residentia Tech Zone-4, Greater Noida West. Presently posted as Superintendent in the Central G.S.T. Commissionerate, Noida (U.P.).
5. Avanish Kumar Tyagi, aged about 51 years, son of Mahesh Kumar Tyagi, R/o 468/6, Shastri Nagar, Meerut. Presently posted as Superintendent in the Central G.S.T. Commissionerate, Ghaziabad (U.P.).

6. Krishna Pal Singh, aged about 52 years, son of Late Saggu Singh, R/o PNB ATM Wali Gali, Mohalla, Adarsh Nagar, Kirathpur Road, Bijnor. Presently posted as Superintendent in the Central G.S.T. Commissionerate, Dehradun.
7. Ramesh Sethi, aged about 51 years, son of Late Madan Lal Sethi, R/o A-601, Ansal Elegance, Avantika Extension, Ghaziabad. Presently posted as Superintendent in the Central G.S.T. Commissionerate, Dehradun.

.....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 Chaudhry,

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 online.

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 mete 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)

/Shakuntala/