

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

**ORIGINAL APPLICATION NO.60/00072/2021**

**DATED THIS THE 25<sup>TH</sup> DAY OF JANUARY, 2021**

**CORAM:**

**HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)**  
(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore.)

**HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)**  
(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore.)

Manchander Kumar, Son of Sh. Mohinder Ram, Age 54 years, (retired Superintendent, Central Excise, Commissionerate, Ludhiana-141001) resident of House No.2747, Sector: 40-C, Chandigarh-160036.  
...Applicant

(By Advocate Shri Pankaj Mohan Kansal - through video conference)

Vs.

1. Union of India through the Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi - 110001.
2. The Chairman, Central Board of Indirect Taxes and Customs, Ministry of Finance, North Block, New Delhi-110001.
3. The Principal Chief Commissioner of Central Excise & Goods and Service Tax (GST) (Cadre Controlling Authority) , GST Commissionerate Chandigarh Plot No.17, Central Revenue Building, ISBT Road, Sector-17, Chandigarh-160017.
4. The Assistant Commissioner, Central Excise, Commissionerate, Ludhiana-141001.

.....Respondents

**ORDER (ORAL)****PER: SURESH KUMAR MONGA, MEMBER (J)**

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following relief:

- i. That the record of the case be called for;
- ii. That the respondents be directed to decide the claim of the applicant submitted vide representation dated 09.06.2020 (diarized on 01.07.2020), annexed as Ann.A-1/colly), i.e. to grant the Non-functional Grade (NFG) in the grade pay of Rs.5,400 w.e.f. 05.02.2009 i.e. on completion of 4 years of service in the grade of Rs.4,800/-,(Rs.7,500-12000 pre-revised), in a time bound manner, as has been granted many similarly situated ones in terms of settled law and directions passed in various cases like the Common Order dated 04.11.2015 passed by C.A.T., Chandigarh Bench in case of OA.No.60/1044/2014 titled Munish Kumar & ors and O.A.No.060/18/2015 titled Sanjeev Dhar & Ors (Ann.A-5) by noticing Judgment dated 06.09.2010 passed by the Hon'ble High Court of Madras in case of M.Subramanian vs. Union of India & others laying down that if an officer has completed 4 year on 1.1.2006 or earlier, he will be given the non-functional upgradation with effect from 1.1.2006 and if the officer completes 4-year on a date after 1.1.2006, he will be given non-functional upgradation from such date on which he completes 4-year in the pay scale of Rs.7500-12000(pre-revised) (Ann.A-2).
- iii. That the action of the respondents in granting the claim/benefit involved in the present case i.e. Non-Functional Grade Pay (NFGP) to the grade pay of Rs.5400/- i.e. on completion of 4

years of service in the grade of Rs.4,800/-, only to those employees who are filing the Court cases, as is evident from the Office Order dated 25.09.2018 (Ann.A-7) and 13.12.2019 (Ann.A-8) be declared arbitrary, illegal, discriminatory and against the rules and law and violative of Article 14 of the Constitution of India and quashed and set-aside, in the interest of justice.

- iv. That the applicant be held entitled to all consequential benefits and reliefs i.e. from the due date including the arrears, in the interest of justice.

2. At the very outset, Shri Pankaj Mohan Kansal, learned counsel for the applicant submitted that before filing the present Original Application, the applicant had submitted a representation dated 09.06.2020 on which no decision has been taken by the respondents upto today. He further submitted that the applicant will be satisfied if a direction is issued to the respondents to decide his pending representation within a time frame.

3. Keeping in view the aforesaid limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application at the admission stage itself without entering into the merits of the case.

4. Accordingly, the Original Application is disposed of with a direction to the Principal Chief Commissioner of Central Excise & Goods and Service Tax, GST Commissionerate, Chandigarh, to decide the applicant's pending representation dated 09.06.2020 (Annexure-A1 ) and pass a reasoned and speaking order in accordance with law. Before taking such a decision, the

applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of two(2) months from the date of receipt of a certified copy of this order.

5. The OA stands disposed of in the above terms. However, there shall be no orders so as to costs.

**(RAKESH KUMAR GUPTA)**  
**MEMBER (A)**

**(SURESH KUMAR MONGA)**  
**MEMBER (J)**

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