

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Hearing by Video Conferencing

O.A. No.060/00776/2020



Chandigarh, this the 21st of October, 2020

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

Ashok Kumar son of Late Sh. Krishan Chand age 57 years presently working as Superintendent in the office of the Commissioner, Central Goods and Service Tax, SCO No. 407-08, Sector 8, Panchkula – 134109 (resident of House No. 33, GHS 38, Sector 20 Panchkula – 134117, (Haryana)

....Applicant

(BY: Mr. P.M. Kansal, Advocate)

Versus

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 and GST (Cadre Controlling Authority), Central Revenue Building, I.P. Estate, New Delhi – 110002.
4. The Commissioner, Central Goods and Service Tax, SCO No. 407-08, Sector 8, Panchkula – 134109, Haryana.

... .Respondents

O R D E R(Oral)

SANJEEV KAUSHIK, MEMBER (J):

1. The present O.A. has been filed by the applicant for issuance of a direction to the respondents to decide his representation dated 27.11.2019 (Annexure A-1) for grant of Non-Functional Upgradation in the Grade Pay of



Rs.5400/- w.e.f. 01.09.2012 in place of 30.09.2018, when he completed four years of service in the grade of Rs.4800/-, in view of ratio laid down by the Hon'ble High Court of Madras in the case of **M. Subramaniam Vs. Union of India and Others** (W.P. No. 132225 of 2010 decided on 06.09.2010), affirmed by the Hon'ble Supreme Court.

2. Heard Mr. P.M. Kansal, learned counsel for the applicant. He submitted that the claim of the applicant is covered by a judgment of the Hon'ble High Court in the case of M. Subramaniam (supra) which has been affirmed by the Hon'ble Supreme Court by dismissing the SLP No. 23513 of 2015 on 10.10.2017. He further submitted that this Court also, vide a common order dated 04.11.2015 in identical cases of **Munish Kumar and Others Vs. Union of India and Others** (O.A. No. 060/01044/2014) and **Sanjeev Dhar and Others Vs. Union of India & Others** (O.A. No. 060/00018/2015), allowed the benefit of NFG in the grade pay of Rs.5400/- in favour of the applicants therein, on completion of four years of their service in the Grade Pay of Rs.4800/-, while relying upon the judgment of Hon'ble Madras High Court in the case of M. Subramaniam. The aforementioned decision of this Court has been affirmed by the Hon'ble High Court of Punjab and Haryana vide order dated 11.12.2017 by



dismissing the CWP No. 3430/2017 (O&M) and 3923 of 2017 (O&M) filed by the department.

3. Considering the limited prayer made by the applicant, I deem it appropriate to direct the respondents to consider and decide his representation dated 27.11.2019 (Annexure A-1) for grant of NFG in the Grade Pay of Rs.5400/- on completion of four years of his service in the grade pay of Rs.4800/-, in view of ratio laid down in the judicial pronouncements relied upon by him, as noticed herein above, by passing a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order and a copy thereof be duly communicated to the applicant. Ordered accordingly. No costs.

**(SANJEEV KAUSHIK)
Member (J)**

Place: Chandigarh
Dated: 21.10.2020.

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