



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Hearing by Video Conferencing

O.A. No.060/00898/2020

Chandigarh, this the 23rd of November, 2020

**HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)**

Rajesh Garg son of Sh. Prahlad Rai Garg age 49 years presently working as Superintendent and posted as Range Officer in the office of Deputy Commissioner of Central Goods and Service Tax Division-I, Bathinda (Punjab) – 151001 (resident of H. No. 158, Chiranjiv Colony, Bhiwani (Haryana)-127021.

....Applicant

(BY: Mr. Pankaj Mohan Kansal, Advocate)

Versus

1. Union of India through Secretary, Ministry of Finance, Department of Revenue, New Delhi – 110019.
2. The Central Board of Indirect Taxes and Customs, Ministry of Finance, Department of Revenue, New Delhi through its Chairman, North Block, New Delhi-110001.
3. The Principal Chief Commissioner, Customs & Central Goods & Service Tax (Chandigarh Zone), Central Revenue Building, Plot No. 19, Sector 17 C, Chandigarh- 160017.
4. The Principal Commissioner, Central Goods & Service Tax, Chandigarh (Cadre Controlling Authority), Central Revenue Building, Plot No. 19, Sector 17-C, Chandigarh – 160017.
5. The Deputy Commissioner of Central Goods & Service Tax Division-I, Bathinda (Punjab) – 151001.

... .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 grant him the benefit of 2nd MACP in the pay scale of Rs.9300-34800 + G.P. 4800/- w.e.f. 6.12.2012 i.e. on completion of 18 years' service i.e. 8+10 years in grade pay from the date of 1st promotion, along with all consequential benefits and reliefs including grant of Non Functional upgradation (NFG) of G.P. 5400/- w.e.f. 06.12.2016, on completion of four years of continuous service in the grade pay of Rs.4800/- and arrears of pay and allowance with interest @ 12% p.a. from the due date till the date of actual payment."
2. Heard Mr. Pankaj Mohan Kansal, learned counsel for the applicant. He argued that the issue involved in the present O.A. is squarely covered by a decision dated 28.09.2018 of this Court in the case of **Kewal Singh Vs. Union of India & Others**, which has been affirmed by the Jurisdictional High Court. He further submitted that the applicant filed representation dated 06.04.2016 (Annexure A-6) seeking the relevant benefit, followed by a reminders dated 01.07.2016, 07.11.2016, 02.12.2016 and 08.09.2017 (Annexures A-7 to A-10), but no decision on his claim has been communicated till date. Thereafter he filed a complaint dated 12.02.2019 to the Centralized Public Grievance Redressal and Monitoring



System and in response thereto it has been informed that the matter is under process and the name of the applicant is also under consideration. Therefore, he suffered a statement that the applicant will be satisfied if a direction issued to the respondents to decide his grievance in view of order passed by this Court in identical case of Kewal Singh (supra) within some stipulated period.

3. Considering the limited prayer made on behalf of the applicant, we dispose of the O.A. in limine, by directing the respondents to consider and decide the claim of the applicant in the light of the order passed by this Court in the case of Kewal Singh (supra). If the applicant is found to be similarly situated like the applicant in the relied upon case, the relevant benefit be granted to him, otherwise a reasoned and speaking order be passed within a period of three months from the date of receipt of a certified copy of this order, and a copy of that order be duly communicated to the applicant.
4. Needless to mention that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case. No costs.

(ANAND MATHUR)
MEMBER (A)

(SANJEEV KAUSHIK)
Member (J)

Place: Chandigarh
Dated: 23.11.2020

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