

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH****Hearing by Video Conferencing****O.A. No.060/00905/2020**

Chandigarh, this the 24th of November, 2020

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

Arvind Kumar Gupta son of Sh. Tilak Raj age 53 years working as Superintendent in the office of Central Goods and Service Tax (CGST), CGST Commissionerate, Commercial Parking Complex, Chhota Shimla, Shimla, Himachal Pradesh – 171002 (resident of House No. 2309, Jalvayu Vihar, Sector 67, Mohali – 160062, Punjab)

....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 Goods and Service Tax (CGST) and Excise, Chandigarh Zone (Cadre Controlling Authority), Central Revenue Building, I.P. Estate, New Delhi – 110002.
4. The Commissioner, Central Goods and Service Tax (CGST), CGST Commissionerate, Commercial Parking Complex, Chhota Shimla, Shimla, Himachal Pradesh – 171002.

... .Respondents



O R D E R(Oral)

SANJEEV KAUSHIK, MEMBER (J):

1. The prayer made in the present O.A. is for issuance of a direction to the respondents to decide the claim of the applicant submitted vide representation dated 27.03.2019 (Annexure A-1) whereby he has prayed for grant of Non-functional Upgradation in the Grade Pay of Rs.5400/- w.e.f. 01.10.2006, on completion of four years of service in the Grade Pay of Rs.4800/-, in the light of ratio laid down by the Hon'ble Madras High Court in the case of **M. Subramanian Vs. Union of India and Others** (W.P. No. 13225 of 2010 decided on 06.09.2010).
2. Heard Mr. P.M. Kansal, learned counsel for the applicant. He also submits that since the representation filed by the applicant based upon the law settled by Hon'ble Madras High Court in the case of M. Subramanian (supra) is pending, the applicant will be satisfied if a direction is issued to the respondents to consider and decide the same expeditiously. He also relied upon a decision rendered by this Court vide a common order dated 04.11.2015 in the cases **of Munish Kumar and Others Vs. Union of India & Others** (O.A. No. 060/01044/2014) , and **Sanjeev Dhar and Others Vs. Union of India and Others** (O.A. No. 060/0018/2015), wherein the similar issue was considered



and the action of the respondents in not granting the NFG to the applicants therein after completion of four years regular service in the Grade Pay of Rs.4800/- was held illegal and unjustified and the respondents were directed to consider their claim in the light of ratio laid down in the case of M. Subramaniam (supra).

3. Considering the limited prayer made in the O.A. and the statement made by the learned counsel, we dispose of the O.A., in limine, without going into its merit, by directing the Competent Authority amongst the respondents to consider and decide the indicated representation (Annexure A-1) of the applicant in view of ratio laid down in the case of M. Subramanian (supra) expeditiously, in any case, not later than three months, from the date of receipt of a certified copy of the order. 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 on his claim and a copy thereof be duly communicated to the applicant. No costs.

(ANAND MATHUR)
MEMBER (A)

Place: Chandigarh
Dated: 24.11.2020

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(SANJEEV KAUSHIK)
Member (J)