



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Hearing by Video Conferencing

O.A. No.060/00015/2021

Chandigarh, this the 08th of January, 2021

HON'BLE MR. SURESH KUMAR MONGA, MEMBER (J)

(On video conference from Central Administrative Tribunal, Chandigarh Bench, Chandigarh)

HON'BLE MR. RAKESH KUMAR GUPTA, MEMBER (A)

(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore)

Balwinder Singh son of Sardar Kartar Singh age 66 years (Retd. As Superintendent from Central Excise Commissionerate Chandigarh-II, Chandigarh-160017 (resident of House No. B002/08987, Swaraj Nagar near Jhugian Road, opposite Green Avenue, Sector 1, Kharar, District Mohali - 143001, 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 Cutoms, 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, Plot No. 19, Sector 17-C, Chandigarh.

... .Respondents

O R D E R(Oral)

Per: SURESH KUMAR MONGA, MEMBER (J):

1. The Present O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985, seeking therein the following relief:



“(i) That the respondents be directed to decide the claim of the applicant submitted vide representation dated 1.07.2020, annexed as Ann. A-1 i.e. to grant the Non-functional upgradation in the Grade Pay of Rs.5400/- w.e.f. 23.08.2013 i.e. the date from which he completed 4 year regular service in the grade of Rs.4800/- in a time bound manner, as has been granted to 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 O.A. No. 060/1044/2014 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 01.01.2006, 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.7,500-12000 (pre-revised) (Ann A-2)

(ii) 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.4800/-, 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.

(iii) 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, Mr. P.M. Kansal, learned counsel representing the applicant, submitted that before filing the present O.A., the applicant had submitted a representation dated 31.07.2020 (Annexure A-1) on which no decision has been taken by the respondents.
3. Learned counsel 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.
4. Keeping in view the aforesaid limited prayer made by learned counsel representing the applicant, we deem it appropriate to dispose of the present O.A., at the admission stage itself, without entering into the merits of the case.



5. Accordingly, the O.A. is disposed of with a direction to the Principal Chief Commissioner of Central Goods and Service (Tax) and Excise, Chandigarh Zone (Cadre Controlling Authority), Chandigarh, to decide the applicant's pending representation dated 31.07.2020 (Annexure A-1), 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 months from the date of receipt of a certified copy of this order.

6. The O.A. stands disposed of in the above terms. No costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
Member (J)

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