



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

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**O.A. No.60/360/2020 Date of decision: 20.07.2020
M.A. No.60/497/2020**

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. AJANTA DAYALAN, MEMBER(A).**

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1. Davinder Deep Singh S/o Amarjit Singh Kalra, age 50 years, working as Superintendent in the office of Assistant Commissioner, Central Goods & Service Tax, Division-II, C.R. Building, Model Town Road, Jalandhar-144001 (r/o#61-Shastri Nagar, Near Makhdoom Pura, Jalandhar-144001).
2. Anil Verma S/o Tilak Raj Verma, age 52 years, working as Superintendent in the office of Assistant Commissioner, Central GST, Division-II, Opp. Skylark Hotel, Jalandhar City-144003 (R/o 57-R, Block-A, Model House, Jalandhar City-144003).
3. Rakesh Singh S/o Prem Singh, age 48 years, working as Superintendent in the office of CGST, Range-V, Room No.618, Division-III, 6th Floor, C.R. Building, Sector 17-C, Chandigarh-160017 (R/o 22B, Parvati Enclave, Baltana, Zirakpur, SAS Nagar, Mohali-140604).
4. Swajesh Gupta S/o Rajinder Kumar Gupta, age 47 years, working as Superintendent in the office of Asstt. Commissioner, Rail Cargo, Amritsar-143001 (R/o 96C, Harmilap Nagar, Baltana-140604).
5. Baljit Singh S/o Balbir Singh, age 49 years, working as Superintendent in the office of Dy. Commissioner, Air Cargo Complex, Hotel Mini Ikhwan, Srinagar (J&K) 180002 (R/o 227, Dashmesh Nagar, St. No.1, Behind Central Jail, Patiala 147001).
6. Harish Mehta S/o K.S. Mehta, age 51 years, working as Superintendent in the office of Assistant Commissioner, Central Goods & Service Tax (CGST) Range-I, Mandigobindgarh-147301 (R/o 135, Sector 45-A, Chandigarh-160047).



7. Abdul Shafi S/o Sh. Noordin, age 52 years, working as Superintendent in the office of CGST Audit Comm'te, F-Block, Rishi Nagar, Ludhiana-141001 (R/o 169, Bhullar Avenue F.G.C. Road, Amritsar, Pin Code:143001).
8. Ishwar Dass S/o Late Sh. Raghu Nath, age 49 years, working as working as Superintendent in the office of Customs Comm'te Ludhiana-141120 (R/o 1160, Sector-6, Block-B, New Chandigarh (Pb.) Pin Code-140901.
9. Dilbagh Rai, S/o Late Sh. Kartar Singh, age 57 years, working as Superintendent in the office of Assistant Commissioner CGST, Audit Circle, Phagwara-144401 (R/o 48-A, Atwal House Colony, Jalandhar-144001.
10. Roop Lal, age 66 years, Retd. Superintendent, resident of House No.1156, Sector 51-B, Chandigarh-160051.
11. Manjit Singh, age 49 years, working as Superintendent in the office of GRFL Import, Customs, Ludhiana, Punjab-141001.

...APPLICANTS

BY: SH. P.M. KANSAL, COUNSEL FOR THE APPLICANTS.

VERSUS

1. Union of India through the Secretary to Ministry of Finance, Nehru Place, 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-110011.
3. The Principal Commissioner of Central Excise & GST (Cadre Controlling Authority), Goods and Service Tax Commissionerate, Chandigarh, Central Revenue Building, Plot No.19, Sector-17-C, Chandigarh-160017.

...RESPONDENTS

BY: SH. SANJAY GOYAL, COUNSEL FOR THE RESPONDENTS.



ORDER (Oral)

... **SANJEEV KAUSHIK, MEMBER (J):-**

1. Heard learned counsel for the applicants, via Video-Conferencing during ongoing Covid-19 pandemic.
2. The applicants have approached this Tribunal seeking mainly the following relief(s):-

- “8(i) That the respondents be directed to grant the applicants Non-Functional Upgradation Grade Pay of Rs.5400/- (PB-2) with effect from the date they complete 4 years of service in Grade Pay Rs.4800/- in PB-2 [pay scale of Rs.7500-12000 (pre-revised)], along with all consequential benefits from the due date, in the interest of justice, as has been given to the similarly placed applicants of Common Order dated 04.11.2005 passed by this Hon’ble Tribunal in O.A. No.60/1044/2014 titled as Munish Kumar & Ors. vs. UOI & Ors. and O.A. No.60/18/2015 titled as Sanjeev Dhar & Ors. vs. UOI & Ors. (Annexure A-4) by noticing judgment dated 06.09.2010 passed by the Hon’ble High Court of Madras in the 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 the non-functional upgradation from such date on which he completes 4-year in the pay scale of Rs.7500-12000 (pre-revised) (Annexure A-3). The judgment dated 06.09.2010 of Hon’ble Madras High Court in the case of M. Subramanian has already been upheld by the Hon’ble Supreme Court with the dismissal of SLP No.25313 of 2015 (Civil Appeal No.8883 of 2011) vide order dated 10.10.2017 (Annexure A-5). The respondents have implemented the aforesaid Common Order dated 04.11.2005 passed by this Tribunal vide Office Order dated 25.09.2018 (Annexure A-2) and also various other orders of the Tribunal as stated in Para No.4(9) of O.A. (Anneure A-1).
- (ii) Action of the respondents in restricting the grant of Non-Functional Grade Pay of Rs.5400/- (PB-2) on completion of 4 years of continuous service in the pay scale of Rs.7500-12000 (pre-revised) only to the persons who are filing the cases as is evident from the Officer Order dated 13.12.2019 (Annexure A-1) and dated 25.9.2018 (Annexure A-2) 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.”



3. Though time was granted to the respondents to file written statement but they have not filed the same and further time is being sought for the purpose.
4. Sh. P.M. Kansal, learned counsel for the applicants submits that a similar matter has already been disposed of by this Court by directing the respondents to consider claim of the applicants (therein) in view of the order dated 22.5.2020 in O.A. No.60/539/2019 titled as **Narain Singh & Ors. Vs. UOI & Ors.** (Annexure A-8). Thus, he pleaded that applicants will be satisfied if a direction is issued to the respondents to consider the claim of the applicants in the light of aforesaid decision.
5. Sh. Sanjay Goyal, counsel for the respondents submits that the respondents will consider case of the applicants in the light of direction of this Court in the case of Narain Singh & Ors. (supra) and if they are found to be similarly placed then benefit will be allowed otherwise they will pass a reasoned and speaking order in accordance with law. Ordered accordingly.
6. Order so passed be duly communicated to the applicants. Disposal of the O.A. in the above terms may not be construed as an expression of any opinion on the merits of the case. M.A. No.60/497/2020 also stands disposed of. No costs.

(AJANTA DAYALAN)
MEMBER (A)

Date: 20.7.2020.
Place: Chandigarh.

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(SANJEEV KAUSHIK)
MEMBER (J)