

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**ERNAKULAM BENCH**

**Original Application No. 180/00345/2020**

**Tuesday, this the 4<sup>th</sup> day of August, 2020**

**CORAM:**

**Hon'ble Mr. P. Madhavan, Judicial Member**

**Hon'ble Mr. K.V. Eapen, Administrative Member**

Ajithkumar P.C., aged 59 years, S/o. C.N. Chellappan Pillai,  
 Assistant Commissioner of Customs, Air Customs, Cochin International  
 Airport, Nedumbassery, Pin – 683 111, residing at Purathanayil House,  
 Marampally PO, Aluva (via), Pin – 683 105. .... **Applicant**

**(By Advocate : Mrs. Sreekala T.N.)**

**V e r s u s**

1. Union of India, represented by the Secretary to the Government of India, Ministry of Finance (Department of Revenue), New Delhi-110 001.
2. The Chief Commissioner of Customs, Customs House, Willington Island, Cochin – 682 009.
3. The Principal Commissioner, Central Taxes & Central Excise, Hyderabad GST Commissionerate, Hyderabad – 500 004.
4. Deputy Commissioner of Customs (Admn.), Customs House, Willington Island, Cochin – 682 009. .... **Respondents**

**(By Advocate : Mr. Anil Ravi, ACGSC)**

This application having been heard on 04.08.2020 through video conferencing, the Tribunal on the same day delivered the following:

**O R D E R (Oral)**

**Hon'ble Mr. P. Madhavan, Judicial Member –**

Heard Advocate Mrs. Sreekala T.N. appearing for the applicant and Advocate Mr. Anil Ravi, ACGSC appearing for the respondents through video conferencing.

2. The applicant is presently working as Assistant Commissioner of Customs at Air Customs, Cochin International Airport, Nedumbassery. He is aggrieved by the refusal on the part of the respondents to have his pay stepped up on par with his juniors in the light of Annexure A9 Office Memorandum issued by the Department of Personnel and Training. Hence, he filed this OA seeking the following reliefs:

*“(i) Declare that the applicant entitled to have his pay stepped up on par with his junior with effect from 1.7.2016 in accordance with Annexure A9 Office Memorandum, with all its consequential benefits emanating therefrom;*

*(ii) Direct the respondents to step up the pay of the applicant on par with his junior with effect from 1.7.2016 in accordance with Annexure A9 Office Memorandum, with all its consequential benefits emanating therefrom;*

*(iii) Award costs of and incidental thereto;*

*(iv) Pass such other orders or directions as deemed just and fit by this Hon'ble Tribunal.”*

3. When the matter came up for consideration today, learned counsel for the applicant submitted that the applicant has given a representation to the competent authority which has not yet been disposed of by the respondents and so there is no impugned orders. The applicant has exhausted the remedies available to him by filing the representation. However, there was no response from the side of the respondents. **She further submitted that she may be permitted to submit a comprehensive representation which may be considered and disposed of by the respondents within a time frame.**

4. Learned counsel appearing for the respondents submitted that they have no objection in considering the representation filed by the applicant.

5. In view of the limited relief sought by the applicant, without going in to the merits of the case, we direct the applicant to file a comprehensive representation to the competent authority within a period of two weeks and the competent authority will consider and dispose of the same in the light of the relevant rules and regulations on the subject and in the light of Annexure A9 Office Memorandum and pass a reasoned and speaking order within a period of two months from the date of receipt of such representation from the applicant.

6. The Original Application is disposed of as above at the admission stage itself. No order as to costs.

**(K.V. EAPEN)**  
**ADMINISTRATIVE MEMBER**

**(P. MADHAVAN)**  
**JUDICIAL MEMBER**

**“SA”**

**Original Application No. 180/00345/2020**

**APPLICANT'S ANNEXURES**

- Annexure A1** – True copy of the statement of fixation of pay under CCS (RP) Rules, 2016 issued by the 4<sup>th</sup> respondent, dated 10.8.2016.
- Annexure A2** – True copy of the pay fixation statement, dated 8.12.2016 issued to Shri K.P. Ajith Kumar by the 4<sup>th</sup> respondent.
- Annexure A3** – True copy of the seniority list of Superintendent (Group B) as on 1.1.2014 (revised on 30.12.2016) with covering letter dt. 9.1.2017.
- Annexure A4** – True copy of the order bearing No. C. No. II/24/02/2017-Accts, dated 16.11.2017, issued from the office of the Commissioner, Central GST & Central Excise, Thiruvananthpauram.
- Annexure A5** – True copy of the representation submitted by the applicant dated 22.3.2018 addressed to the 3<sup>rd</sup> respondent.
- Annexure A6** – True copy of the said communication bearing No. C.No. II/3/1/2018 Accts, dated 26.7.2018.
- Annexure A7** – True copy of the statement of fixation of pay dated 5.11.2019.
- Annexure A8** – True copy of the representation dated 30.1.2020 submitted by the applicant to the 2<sup>nd</sup> respondent.
- Annexure A9** – True copy of office memorandum issued by the Department of Personnel and Training, bearing No. 35034/3/2015-Estt.(D), dated 22.10.2019.
- Annexure A10** – True copy of the revised pay fixation statement issued to one Shri Senson Thomas dated 25.5.2020.
- Annexure A11** – True copy of the stepping up of pay and pay fixation in respect of one Shri K. Padmakunar, dated 18.6.2020.

**RESPONDENTS' ANNEXURES**

Nil

-X-X-X-X-X-X-X-X-