

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00553/2020

Friday this the 20th day of November, 2020

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member

Manoj Kumar.N

Aged 51 years, S/o.Late E.A.Narayanan

Superintendent of Central Tax and Central Excise

Office of the Assistant Commissioner of Central Tax and Central Excise

Audit circle, 7, CR Building Mettuppalayam Street

Palakkad – 678 001

Permanent residence at Anchathanical

Kazhchaparambu, Kannadi (P.O), Palakkad – Pin – 678 701 **Applicant**

(By Advocate : Mr.Ravi K.Pariyarth)

V e r s u s

1. Union of India, represented by the Secretary, Department of Revenue, Ministry of Finance, North Block, New Delhi – 110 001
2. The Chairmen, Central Board of Indirect Taxes and Customs (CBIC), North Block, New Delhi – 110 001
3. The Commissioner of Central Tax and Central Excise Calicut Commissioner ate, C.R.Building Mananchira, Calicut – 673 001
4. The Deputy Controller of Accounts Central Board of Excise and Customs (SZ) Room No.202, II Floor

Central Excise Annexe Building
 26/1 Uthamar Gandhi Salai, Numgambakkam
 Chennai , Pin – 60034

5. The Chief Accounts Officers, Office of the Commissioner of Central Excise & Customs, Calicut Commissioner ate, C.R. Building, Mananchira, Calicut – 673 001
6. The Commissioner of Central Tax and Central Excise, Audit Commissioner ate, C.R.Building
 I.S Press Road, Kochi
 Pin – 682 018
7. The Assistant Commissioner
 Central Tax and Central Excise
 Audit Circle 7, C.R.Building
 Mettupalayam Street, Palakkad
 Pin – 678 001 **Respondents**

(By Advocate : Mr.V.A.Shaji,ACGSC)

This application having been heard on 20.11.2020 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 –

The applicant is presently working as Superintendent of Central Tax and Central Excise, under the 6th respondent Commissionerate. He joined the service as Inspector

of Central Excise on 10.1.92 and got promoted as Superintendent on 27.9.2002. On noticing one Shri.S.Ramaswamy, Superintendent of Central Excise, who joined the service on 26.6.1992, promoted as Superintendent after the applicant, is drawing more salary than the applicant, a representation was submitted before the 3rd respondent seeking stepping up of his pay at par with the junior. Same was denied to the applicant stating that the financial upgradation under the ACP scheme shall purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay scale under the ACP scheme. Being dissatisfied, applicant again represented before the 5th respondent. This representation has been forwarded to the 4th respondent for clarification. But without getting clarification from the 4th respondent, again his prayer for stepping up stands rejected by the 5th respondent. In the meanwhile, the applicant stands posted to the office of the 7th respondent, coming under the 6th respondent and he submitted Annexure A-8 representation seeking redressal of his grievance before the 6th respondent. Same is now pending for consideration before the 6th respondent. Hence he approached this Tribunal praying for the following reliefs:

" 1) *To direct the 6th respondent, to consider and pass orders on Annexure A-8, in accordance with law, within such time as this Hon'ble Tribunal deems fit and proper in the interest of justice.*

2) *Award cost of the proceedings*

And

3) Pass such other orders or directions as deemed just fit and necessary in the facts and circumstances of the case. "

2. When the matter came up for consideration, learned counsel for the applicant submits that the applicant's Annexure A-8 representation is pending before the 6th respondent without any order and the applicant will be satisfied if a direction is given to the 6th respondent to consider his Annexure A-8 representation and to pass a reasoned and speaking order within a time frame.
3. Advocate Mr.V.A.Shaji,ACGSC takes notice on behalf of the respondents and submits that there is no objection in considering the representation.
4. In view of the limited prayer made by the counsel for the applicant, we are of the view that the Original Application can be disposed of at the admission stage itself without going into the merits. **The 6th respondent is directed to consider Annexure A-8 representation of the applicant in the light of relevant rules and regulations on the subject and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.**

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

(K.V.EAPEN)
ADMINISTRATIVE MEMBER

(P.MADHAVAN)
JUDICIAL MEMBER

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List of Annexures

Annexure A1 - True copy of the representation submitted by the applicant before the 3rd respondent, seeking stepping up of his pay after upgradation, dated 3.9.13.

Annexure A2 - True copy of the Communication received by the applicant from the 5th respondent with No.C.No.II/24/03/2011-Accts-1, rejecting his prayer for stepping up, dated 21.07.14.

Annexure A3 - True copy of the communication with No.C.No.II/24/21/2013-Accts-II, issued by the 5th respondent, to the applicant's unit, dated 1.01.16

Annexure A4 - True copy of the communication received by the applicant, with No.C.No.II/24/021/2013-Accts-II/1690, from the 5th respondent, dated 25.7.16.

Annexure A5 - True copy of the representation submitted by the applicant before the 3rd respondent, dated 25.8.16.

Annexure A6 - True copy of the representation submitted by the applicant before the 3rd respondent, dated 9.10.19

Annexure A7 - True copy of the letter issued by the 4th respondent granting stepping up of senior with junior due to anomaly, dated 14.11.14.

Annexure A8 - True copy of the representation submitted by the applicant before the 6th respondent dated 24.8.20.

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