

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/00791/2020

HYDERABAD, this the 10th day of December, 2020



**Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**

Tirumani Govinda Raju
S/o Shri T.Pallam Raju,
Aged 42 yrs, Occ : Superintendent of Customs (Preventive),
Customs House, Port Area, Visakhapatnam-530035.

...Applicant

(By Advocate : Mr.T.Govinda Raju, party-in-person)

Vs.

1. Union of India Rep by its,
The Chairman, Central Board of Indirect Taxes and Customs,
North Block, New Delhi-110022.

2. The Principal Commissioner of Customs,
(Cadre Controlling Authority),
Customs House, Port Area,
Visakhapatnam-530035.

....Respondents

(By Advocate : Mrs. K. Rajitha, Sr.CGSC)

ORAL ORDER

Through Video Conferencing:



2. The OA is filed to direct the respondents to dispose of the representation dated 29.10.2020 submitted for grant of grade pay of Rs.5400.

3. Brief facts are that the applicant working for the respondents organisation has submitted a representation on 29.10.2020 for grant of Non Functional Upgradation (NFU) with Grade Pay of Rs.5400 after completion of 4 years in Pay Level-8. The prayer of the applicant is that respondents be directed to dispose of the representation.

4. The contentions of the applicant are that he is eligible for the NFU in grade pay of Rs.5400 as per CCS (RP) Rules; Hon'ble Supreme Court judgment dated 10.10.2017 in Civil Appeal No. 8883/2011 and as per respondents letter dated 6.12.2018. A similar case allowed by the Tribunal in OA 1051/2010 on 30.3.2012 and when the same was challenged, the decision of the Tribunal was upheld by the Hon'ble High Court in W.P No. 39218/2012 in U.O.I v P. Vigneswar Raju on 16.4.2018

5. Heard both the counsel and perused the pleadings on record.

6. Applicant has submitted a representation on 29.10.2020 for grant of Non functional upgradation (NFU) in Pay Level-9 from 30.1.2020 after completion of 4 years of regular service in Pay Level-8 as per GOI resolution and CCS (RP) Rules 2008/ CCS (RP) Rules, 2016. Applicant

claims that the request made is fully covered by the judgments of the superior judicial fora and that of this Tribunal in OA 1051/2010. Therefore, keeping this in view, respondents are directed to dispose of the representation of the applicant dated 29.10.2020 in the light of the judgments referred to in the OA, within 4 weeks from the date of receipt of the order, by issuing a speaking and reasoned order.



7. With the above direction, the OA is disposed of, at the admission stage, with no order as to costs. It is made clear that we have not gone into the merits of the case while disposing it off.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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