

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH, KOLKATA

OA. 742/2020
MA. 448/2020

LIBRARY

PARTICULARS OF THE APPLICANT

1. Subrata Basu, son of Late Jayanta Kumar Basu, aged about 53 years, working as Additional Assistant Director, residing at A-1/203 Sugam Park, Kolkata-700103.
2. Shri Debraj Sobhakar, son of Shri Durga Shankar Sovakar, aged about 53 years, working as Superintendent, residing at 6/1 Shahid Nagar, Kolkata, Pin-700078
3. Tuppa Ray Basu, daughter of Shri Jyotirmay Ray, aged about 49 years, working as Superintendent, residing at A-1/203 Sugam Park, Kolkata-700103
4. Subrata Sarkar, son of Sachindranath Sarkar, aged about 58 years, working as Superintendent, residing at 65, Indira Pally, P-O- & P-S- Raghunathganj, Dist Murshidabad, Pin-742225
5. Ashis Dey, son of Shri Sunil Dey, aged about 55 years, working as Additional Assistant Director, residing at C2/53, 16/7 Dover Lane, Kolkata, Pin-700029
6. Atanu Das, son of Sri Arup Kumar Das, aged about 53 years, working as

Superintendent, residing at 42 **Kali**
Kundu Lane, Howrah, Pin-711101

7. Jugal Krishna Paul, son of Late **Jamini**
Bhusan Paul, aged about 55 **years**,

working as Superintendent, residing at
Pragati Nagar, Post Chuchura **RS**,
Hooghly, Pin-712102

8. Rabindra Kumar Rakshit, son of Late **Brojendra Chandra Rakshit**, aged **about**
55 years, working as **Superintendent**,
residing at Barasat Housing **Estate**,
Phase-II, P.O.- Noapara, **24**
Parganas(North), Pin-700125.

9. Rasamay Biswas, son of Late **Suklal**
Biswas, aged about 59 years, working as
Superintendent, residing at 112/1 **N. N.**
Bagchi Road, 53 Pally, Barrackpore,
Kolkata, Pin 700120

10. Debasis Konar, son of Late **Anjali**
Prasad Konar, aged about 55 **years**,
working as Superintendent, residing at
83 Kalna Road, PO & PS Burdwan, **West**
Bengal, Pin-713101.

11. Nikhil Baran Das, son of Late **Anil**
Kumar Das, aged about 58 **years**,
working as Superintendent, residing at
69, S. L. Chatterjee Street, P.O.- **Nimta**,
Kolkata, Pin-700049.

12. Sanat Kumar Mishra, son of Late **Sankar**
Misra, aged about 54 years, working as
Superintendent, residing at **H-301**,

Green View Complex, 27/1 B T Road,
Kolkata, Pin-700058

13. Anupam Mahalanobish, son of
Amalendu Mahalanobish, aged about 54
years, working as Superintendent
residing at 178B, Sisir Bagan Road,
Kolkata Pin-700034

14. Sujata Das De, daughter of Late Sasanka
Sekhar De, aged about 46 years,
working as Inspector, residing at 379
P.K. Road, Behala, Kolkata, Pin-700061.

15. Susanta Majumdar, son of Late Amal
Majumdar, aged about 56 years,
working as Superintendent, residing at
Ganapati Apartment, BD-192 Kamal
Park, Krishnapur, Kolkata-700101

16. Abhijit Ganguli, Late Sailendranath
Ganguly, aged about 59 years, working
as Superintendent, residing at Flat-3D,
Atindra Complex, 87 Ghoshpara Road,
Barrackpore, Pin-700120.

17. Harekrishna Banik, Late Pabitra
Madhab Banik, aged about 54 years,
working as Superintendent, residing at
314, Purba Para Main Road, Kolkata-
700153.

18. Debasish Guha Biswas, Late Kali
Krishna Guha Biswas, aged about 51
years, working as Superintendent,
residing at 216, Main Road (West) New

Barrackpore, North 24 Parganas, Pin-700131.

19. Debabrata Mandal, Late Kamala Kanta Mandal, aged about 59 years, working as Superintendent, residing at E-16, Sreenagar Main Road, (East), P.O. Panchasayar, Kolkata, Pin-700094.

20. Sajal Kanti Bala, son of Late Amulya Krishna Bala, aged about 50 years, working as Superintendent, residing at Newland, Palta Nagar, P.O. Bengal Enamel, North 24 Parganas, 743122

21. Biswajyoti Roychowdhury, son of Late Bipul Roychowdhury, aged about 54 years, working as Superintendent, residing at Rituraj Appartment, Station Road, Rathbari, Malda, Pin-732101

22. Sekhar Kumar Ghosh, son of Late Abhay Pada Ghosh, aged about 64 years, retired as Superintendent, residing at 24 Ramkrishna Pally, Kalna Road, Barddhaman, Pin-713101.

23. Alokesh Biswas, son of Narendra Nath Biswas, aged about 51 years, working as Superintendent, residing at MJN Road, Opp PWD Office, P.O. & Dist Coochbehar, PIN 736101

24. Tarun Majumdar, son of Late Gokul Ch. Majumdar, aged about 59 years, working as Assistant Commissioner,

residing at 204 Block A, Lake Town,
Kolkata, Pin-700089.

25. Kabita Majumdar, daughter of Late **Shri**
Sarat Chandra Pattanayake, aged **about**
59 years, working as **Assistant**
Commissioner, residing at 204 Block-A,
Lake Town, Kolkata, Pin-700089.

26. Shoaibur Rahman, son of Late **Hafizur**
Rahaman, aged about 52 years, **working**
as Superintendent, residing at D-302,
Customs & Central Excise Residential
Complex, 179, Shantipally, Kolkata-
700107

27. Diptangshu Roy, son of Late **Durgesh**
Chandra Ray, aged about 54 years,
working as Superintendent, residing at
Paschim Ichapur, Nabapally Boys High
School Road, Nabapally Barasat, 24 Pgs
(N), Pin-700126

All are working as **Assistant**
Commissioners or Superintendents **or**
Inspectors, CGST & CX under **the**
control of respondent No. 4 to 14.

...APPLICANTS.

VERSUS

1. Union of India, through the **Secretary**
to the Government of India, Department of

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Kolkata, Pin-700089.

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VERSUS

1. Union of India, through the **Secretary**
to the Government of India, Department **of**

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Revenue, Ministry of Finance, North Block,

New Delhi - 110001.

2. The Chairman, Central Board of

Indirect Taxes And Customs, North Block,

New Delhi - 110001.

3. The Principal Chief Commissioner,

CGST & CX, Kolkata Zone, GST Bhawan,

180, Shantipally, Rajdanga Main Road,

Kolkata-700107.

4. Additional Director, Directorate

General of Systems & Data Management,

Kolkata Zonal Unit, 180 Shantipally,

Rajdanga Main Road, Kolkata, PIN-700107

5. The Commissioner, Howrah CGST &

CX Commissionerate, Custom House, 15/1,

Strand Road, M.S. Building, Kolkata-

700001.

6. The Commissioner, Kolkata North

CGST & CX Commissionerate, GST

Bhawan, 180, Shantipally, Rajdanga Main

Road, Kolkata-700107.

7. The Commissioner, Kolkata South

CGST & CX Commissionerate, GST

Bhawan, 180, Shantipally, Rajdanga Main

Road, Kolkata-700107.

8. The Commissioner, Haldia CGST & CX Commissionerate, 15/1, Strand Road, M.S. Building, Kolkata-700001.

9. The Commissioner Of Customs (Preventive), West Bengal, Custom House, 15/1, Strand Road, M.S. Building, Kolkata-700001.

10. The Commissioner, CGST & CX, Siliguri Commissionerate, Siliguri.

11. Directorate General of Performance Management, Kolkata Zonal Unit, Bamboo Villa, 14 A.J.C. Bose Road, Kolkata, PIN-700017

12. The Commissioner of CGST & CX, Audit-I Commissionerate, Kolkata, GST Bhavan, Kolkata, PIN 700107.

13. The Commissioner of CGST & CX, Audit-II Commissionerate, Bamboo Villa, 14 A.J.C. Bose Road, Kolkata, PIN-700017

14. Assistant Commissioner of Customs, Petrapole, Land Customs Station, Petrapole, Bongaon

... Respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

No. O.A. 350/00742/2020
M.A. 350/00448/2020

Date of order: 20.10.2020

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

SUBRATA BASU & ORS.

VS.

UNION OF INDIA & ORS. (CE & C)

For the Applicants : Mr. A. Chakraborty, Counsel
Ms. P. Mondal, Counsel

For the Respondents : Mr. A. Roy, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicants, 27 in number, have approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "(i) Memorandum dated 11.2.2009 (Annexure A/4) cannot be sustained in the eye of law and same may be quashed.
- (ii) An order do issue directing the respondents to pass necessary orders to extend the benefit of fixation at Grade Pay of Rs. 5400/- in PB 2 upon completion of 4 years of regular service in the grade Pay of Rs. 4800/- in PB 2 to such of those officers who had got the Grade Pay of Rs. 4800/- on upgradation under ACP Scheme as granted in the case of M. Subramaniam in WP No. 13225 of 2010 dated 6.9.2010 affirmed by the Hon'ble Apex Court of India along with all consequential and incidental benefits thereto along with grant of arrears at an earliest.
- (iii) Costs and incidentals.
- (iv) Pass such further or other order or orders and other relief/s as may be deemed fit and proper in the peculiar facts & circumstances of the present case;
- (v) Leave may be granted to add the other applicants in O.A. under Rule 4(5)(a) of the CAT Procedure Rule, 1987."

2. Heard both Ld. Counsel and examined documents on record. This matter is taken up for disposal at the admission stage.

hsl

3. Ld. Counsel for the applicant would admit that the applicants do not belong to a homogeneous category as they are working as Assistant Commissioners/Superintendents/Inspectors (CGST & CX) in Group 'A' and Gr. 'B' respectively.

Ld. Counsel for the applicants would also admit that, although an order dated 6.12.2019 was issued in favour of the applicants in O.A. No. 358/2019 in response to directions of Tribunal thereon, the applicants have not referred to the said orders in their representations preferred at Annexure A-9 (colly.) to the O.A.

4. Hence, as prayed for by Ld. Counsel for the applicant, he is permitted to withdraw the O.A. and the corresponding M.A. with liberty to prefer individual comprehensive representations to competent respondent authorities citing decisions in support and justifying similarity of circumstances with the beneficiaries of the order dated 6.12.2019 (Annexure A-8 to the O.A.) within a period of 4 weeks from the date of receipt of a copy of this order.

In the event such representations are received, the said respondent authorities shall decide on the same in accordance with law, within a period of 16 weeks thereafter and convey their decisions in the form of reasoned and speaking orders.

In case the claims are found to be justified, consequent benefits may be finalized within a further period of 8 weeks of such orders.

5. With these directions, the O.A. is disposed of as withdrawn. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

SP