

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH, KOLKATA

OA. 743/2020
MA. 450/2020

PARTICULARS OF THE APPLICANT:

1) SUDARSHAN GHOSH, son of Late
Kartik Ch. Ghosh, aged about 59 years,
working as Superintendent, residing at
Kalpakanja Housing Co-Op, 187,
Shantipally, Rajdanga, Kolkata-700107.

2) Shri Ajoy Kumar Prasad, son of Late Ram
Subhag Prasad, aged about 51 years,
working as Inspector, residing at Flat 1
C (1st floor), CAM/2, Arjunpur
Chariktala, Kolkata-700059.

3) Nikhilesh Bhattacharya, son of Late
Amaresh Bhattacharya, aged about 49
years, working as Superintendent,
residing at Haridradanga, Sil Bagar,
Lane No. 4, P.O. & P.S. Chandannagar,
Dist.- Hooghly, Pin-712136.

2
4) Rajeev Kumar Choudhury, son of Late
Ram Bhawan Choudhury, aged about 49
years, working as Superintendent,
residing at Phoolbagan, Jagacha, P.O.
GIP Colony, Santragachi, Howrah, Pin-
711112.

5) Sankar Pramanik, son of Ranjan Kumar
Pramanik, aged about 54 years, working
as Superintendent, residing at Banerjee
Bagan, P.O.- Hridaypur, P.S.- Barasat,
Dist. North 24 Parganas, Pin-700127

6) Sukla Das, daughter of Hemendra
Chandra Das, aged about 57 years,
working as Superintendent, residing at
Vill - Kowgachi, P.O.-Shyamnagar, Dist.-
North 24-Parganas, Pin-743127.

7) Tapas Kumar Kanjilal, son of Late Tara
Nath Kanjilal, aged about 53 years,
working as Inspector, residing at Maya
Apartment, Dangapara Battala, 13 Old
Calcutta Road, Rahara, Khardah, PIN
700118.

8) Swapna Biswas, son of Late Paritosh

Biswas, aged about 56 years, working as

Superintendent, residing at Rabindra

Place, Barasat, North 24 Parganas, Pin-

700124.

9) Priya Gopal Das Adhikary, son of Late R.

G. Das Adhikary, aged about 55 years,

working as Superintendent, residing at

BC-12, Newtown, Kolkata, Pin-700156.

10) Kartick Chandra Biswas, son of Late

Kalipada Biswas, aged about 61 years,

retired as Superintendent, residing at

Flat-604, Aparupa Enclave, Plot No. CC-

18, Action Area 1 C, Newtown, Kolkata,

Pin-700156.

11) SUDIP SARKAR, son of Late Abani

Bhusan Sarkar, aged about 62 years,

retired as Superintendent, residing at

57, Ramkrishna Road, P.O.- Italgachia,

Kolkata, Pin-700079.

12) Sunirmal Biswas, son of Late Sudhir

Chandra Biswas, aged about 62 years.

retired as Superintendent, residing at

Spandan, 447 Satabdi Park, Nayabazar,

Kolkata-700099.

13) Asit Kr. Bandyopadhyay, son of Late

Amiya Kumar Bandyopadhyaya, aged

about 62 years, retired as

Superintendent, residing at Sukla

Apartment, Flat No.- G-01 Roy Para

Court More, Asansol, Pin-713304.

14) Mahadev Ray, son of Late Kartik Ch.

Ray, aged about 61 years, retired as

Superintendent, residing at Kaipukuria,

P.S.- Gaighata, North 24 Parganas, Pin

743245.

15) Samar Dhar, son of Late Kartik Ch.

Dhar, aged about 57 years, working as

Superintendent, residing at 123 Milan

Mandir Road, Subhas Pally, Siliguri,

Dist.-Darjeeling, Pin-734001.

16) Tapas Chatterjee, son of Late Shyam

Sundar Chatterjee, aged about 57

years, working as Superintendent,

residing at 115/1, A.C. Road, North,

Khagra, Murshidabad, Pin-742103.

17) Sanjib Prasad Sharma, son of Late

Saraju Prasad Sharma, aged about 51

years, working as Superintendent,

residing at 3/1 Balaka Apartment,

Gangulibagan, Kolkata, Pin-700084.

18) Debnath Bose, son of Late Biswanath

Bose, aged about 51 years, working as

Superintendent, residing at

Sandhyamoni Apartment, Gr. Floor,

63/A, Rastra guru Avenue, Dum Dum

Nager Bazar, Clive House, near

Kalakakuli Banquet Hall, Kolkata-

700028.

19) Swapan Hazra, son of Bimal Hazra, aged

about 52 years, working as

Superintendent, residing at Mohor

Apartment, Mission Compound, Bolpur,

Birbhum, PIN 731204.

20) Upendra Mahato, son of Late Bideshi Mahato, aged about 49 years, working as Superintendent, residing at Alliance Old Line, R No. 356, P.O. - Jagatdal, North 24 Parganas, Pin-743125.

All are working as Superintendents & Inspectors under the control of Respondent No. 3

...APPLICANTS

-V E R S U S-

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

Department of 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. The Commissioner, Kolkata North

CGST & CX Commissionerate, GST Bhawan,

180, Shantipally, Rajdanga Main Road,

Kolkata-700107.

5. The Commissioner, Howrah CGST &

CX Commissionerate, Custom House, 15/1,

Strand Road, M.S. Building, Kolkata-

700001.

6. The Commissioner, Haldia CGST & CX

Commissionerate, 15/1, Strand Road, M.S.

Building, Kolkata-700001.

7. The Commissioner of CGST & CX,

Audit-II Commissionerate, Bamboo Villa, 14

A.J.C. Bose Road, Kolkata, PIN-700017.

8. The Commissioner, CGST & CX.

Siliguri Commissionerate, Siliguri.

9. Bolpur Commissionerate, Nanoor

Chandidas Rd., Sian, Bolpur.

10. Directorate General of GST

Intelligence, 4/2 Karaya Road, Kolkata, PIN

700017

Respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

No. O.A. 350/00743/2020
M.A. 350/00450/2020

Date of order: 20.10.2020

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

SUDARSHAN GHOSH & 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, 20 in number, have approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "(i) 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. Subramanium 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.
- (ii) Costs and incidentals.
- (iii) 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;
- (iv) 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.

[Signature]

3. Ld. Counsel for the applicants would admit that the applicants do not belong to a homogeneous category as they are working as Superintendents/Inspectors (CGST & CX) in 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 applicants, 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