

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/296/2020

Date of order: 08.07.2020

M.A.350/173/2020

Present : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

AMITAVA CHANDRA & OTHERS

VS.

UNION OF INDIA & OTHERS

For the Applicant : Mr. A. Chakraborty, Counsel
Mr. A. Biswas, Counsel

For the Respondents : Ms. D. Nag, counsel
Mr. A. Roy, Counsel

ORDER

Per Bidisha Banerjee, Judicial Member

Two hundred and eleven applicants have preferred this application to seek the following reliefs:-

"(a) An order permitting the applicants under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987, to move this application jointly;

(b) Direct the respondent authorities to pass necessary orders extending to the present applicants as well as the other non-applicant officers similarly placed in the Kolkata Zone the benefit of fixation of Grade Pay of Rs.5400/- in PB-2 upon completion of four years of regular service in the Grade Pay of Rs.4800/- in PB-2, as granted to the 189 applicants in O.A.No.350/00358/2019(Shiladitya Maitra & Ors.-Vs.-Union of India & Ors.) pursuant to the order dated July 17, 2019 of this Hon'ble Bench and corresponding order dated 06.12.2019 and 19.12.2019 by the competent authority (which is annexure "A-7", "A-8" and "A-9" respectively) therein, along with all consequential and incidental benefits, including disbursement of arrears within such period as to this Hon'ble Court may deem fit and proper;

(c) To quash and set aside the clarification dated February 11, 2009, being Annexure "A-3" hereof, and all purported steps taken on the basis thereof or thereunder or pursuant thereto;

(d) Pass such further and other order and direction as may be deemed fit and proper in the facts and circumstances of the instant case."

2. Ld. counsels were heard and records were perused.
3. The applicants have preferred M.A.No.350/173/2020 seeking liberty for joint prosecution, which is allowed as the applicants are identically aggrieved.
4. The O.A was taken up for disposal at the admission stage itself with the consent of the parties.
5. Case of the applicants in a nutshell is that they are serving as Superintendent of Central Excise (presently CGST & CX, Group B post under the administrative control and authority of Respondent No.3. In terms of a notification dated 29.08.2008 Group 'B' officers of Department of Posts and Revenue would be granted a Grade Pay of Rs.5400/- in PB-2 on non-functional basis after 4 years of regular service in the Grade Pay of Rs.4800 in PB-2, whereas the applicants despite completion of 4 years service in the Grade Pay of 4800/- in PB-2 have not been allowed the Grade Pay of Rs.5400/-. The applicants would also allege that in terms of a decision of Hon'ble High Court of Adjudicature at Madras in WP13225 of 2010, Grade Pay of Rs.5400/- should be extended in favour of all similarly circumstanced employees which decision was upheld by Hon'ble Apex Court in Civil Appeal No.8883 of 2011 and similar orders have been implemented throughout the country on the basis of decisions rendered by the benches of the Tribunal as well as the Hon'ble High Courts. The applicants are aggrieved as their representation has failed to elicit any response and the respondents' Department of Revenue vide order dated 25.02.2019 has directed implementation only in case of applicants before the Hyderabad Bench. However, admittedly the orders in one O.A.350/358/2019 have been implemented by Respondent No.3 vide its order dated 06.12.2019. Therefore,



the applicants would pray for disposal of their pending representations in the light of the said orders, for identical relief.

6. Ld. counsel for the respondents would very fairly admit such implementation and would not object to consideration and disposal of pending representations in the light of such orders.

7. As no fruitful purpose would be served by calling for a reply in the matter as the representations of the applicants are yet to be disposed of, and as no impugned order is under challenge, we dispose of the present O.A. with direction upon the Respondent No.3, the Principal Chief Commissioner of CGST and CX, Kolkata Zone, or any other competent authority, to consider the representations of the applicants in the light of the decisions supra and to dispose them of in accordance with law within 4 months from the date of receipt of a copy of this orders with a reasoned and speaking order to be communicated to the applicants immediately thereafter. It is made clear that we have not entered into the merits.

8. It goes without saying that, for parity of reasons, in the event the applicants stand on the same footing as applicants in other OAs referred to supra, they would deserve identical reliefs as extended to their counterparts in the said matters.

9. The present O.A. accordingly stands disposed of.

10. The applicants however shall bear individual court fees.

(Dr. Nandita Chatterjee)
Administrative Member

sb

(Bidisha Banerjee)
Judicial Member