

BEFORE THE CENTRAL ADMINISTRATION TRIBUNAL

KOLKATA BENCH

O.A. No. <sup>350/1910</sup> of 2018

In the matter of:

An application under Section 19  
of the Central Administrative  
Tribunal Act, 1985;

And

In the matter of:

1. Pijush Kanti Ghosh, son of  
Sri Amarendra Nath Ghosh,  
aged about 52 years, residing at  
Gobinda Barrack, P.O. Barasat,  
District - 24 Parganas (North),  
West Bengal, Kolkata - 700124;

2. Prabir Ghatak, son of Sri  
Gopal Chandra Ghatak, aged  
about 52 years, residing at  
26/1, Sastri Narendra Nath  
Ganguly Road, Howrah-  
711104;

3. Subhasis Biswas, son of Sri Santosh Kumar Biswas, aged about 52 years, residing at Flat No. A/6, South View Apartment, 51/A, middle Road, Barrackpore, Kolkata - 700122;
4. Soumen Bose, son of Late Satya Kinkar Bose, aged about 51 years, residing at P.O.- Duilya, Pakurtala, Mouri Andul, Howrah-711302.
5. Suman Chakraborty, son of Late Accori Chakraborty, aged about 52 years, residing at 95/3, Swami Vivekananda Road, Howrah-711101;
6. Samir Kumar Acharjee, son of Late Dulal Chandra Acharjee, aged about 45 years, residing at Netaji Subhas

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Sarani. Goshpara (N),  
Nischinda, Howrah - 711227;

7. Sanjoy Bandyopadhyay,  
son of Late Murari Mohon  
Bandopadhyay, aged about 51  
years, residing at 452, S. S.  
Bose Sarani, P.O.-Baidyabati,  
District-Hooghly, Pin-712222;

8. Bimal Chandra Biswas,  
son of Late Balaram Biswas,  
aged about-53 years, residing at  
Shantinagar, Bidhan Sarani,  
P.O.-Hridaypur, Kolkata -  
700127;

9. Souren Bose, son of Late  
Rabindranath Basu, aged about  
51 years, residing at 32/N,  
Doctor Bagan Lane, P.O.-  
Serampore, Hooghly-712203;

10. Sadhu Rajak, son of Late  
Kalu Rajak, aged about 46

years, residing at -Gondal Para,  
Char Mondirtala, Sishubabu  
Lane, Chandennagore, Hooghly-  
712136;

11. Ajoy Narayan Roy, son of  
Late Krishna Narayan Roy, aged  
about 54 years, residing at  
North Biresh Pally, P.O.-  
Madhyamgram, Kolkata-  
700129;

12. Amit Kumar Saha, son of  
Late Monoranjan Saha, aged  
about 54 years, residing at  
Village- Aminpur, P.O.  
Khamarchandi, P.S.-Haripal,  
District -Hooghly, PIN 712405;

13. Rajat Chatterjee, son of  
Late Ranjit Lal Chatterjee, aged  
about 47 years, residing at  
16/7, Dover Lane, Block D/1,

Flat No. 101, 2nd Floor, Kolkata  
- 700029;

14. Partha Pratim Mitra, Late  
Satyendra Nath Mitra, aged  
about 52 years, residing at 103,  
Ultadanga Main Road, H.S.IV(S),  
Block-3, Flat-2, Kolkata-  
700067.

15. Samrat Chakraborty, son  
of Sri Arun Kanti Chakraborty,  
aged about 45 years, residing at  
Opposite to Post Office - Dhalua  
Nabapalli (near Garia Railway  
Station, Kolkata-700152.

16. Kuheli Halder, daughter  
of Late Jugal Ch. Halder, aged  
about 52 years, residing at P-  
145, C.I.T. Road, Beliaghata,  
Kolkata - 700010.

17. Mausumi Chatterjee,  
daughter of Late Debasis

Chakraborty, aged about 51 years, residing at Vivekananda Park, Lower Kumarpur, Senraleigh Road, Asansol, Pin - 713305.

18. Abhijit Bandhopadhyay son of Late Umaprosad Bandyopadhyay, aged about 52 years, residing at Barsha Apartment, 4th Floor, 66, K.N.C. Road, Barasat, North 24 Parganas, Pin - 700124.

19. Tapan Kumar Mondal, son of Shri Niru Mondal, aged about 51 years, residing at 2nd Floor, 82, Chandi Ghosh Road, Kolkata - 700040.

20. Bhaskar Routh, son of Late Nepal Ch. Routh, aged about 52 years, residing at 106, M. B. Road, Nimta, District - 24

Parganas, West Bengal,  
Kolkata -700049.

21. Rabindra Nath Ghosh, son  
of Late Sushanta Kr. Ghosh,  
aged about 51 years, residing at  
BE-17, Deshbandhu Nagar,  
Nirupama Apartment, Kolkataa  
-700059.

22. Sumit Sengupta, son of  
Late Sisir Kr. Sengupta, aged  
about 50 years, residing at 66,  
Purbachal Main Road, Kolkata -  
700078.

23. Bhaskar Dey Dhara, son of  
Late Bholanath Dey Dhara, aged  
about 51 years, residing at  
Gopal Bhawan, Tarulia 3rd  
Lane, Kestopur, Kolkata -  
700102.

24. Abhijit Pal, son of Sunil  
Kumar Pal, aged about 47 years,

residing at Barasat, Nandypara,  
Post Office- Chandernagore, Pin  
- 712136.

25. Smt. Sarmistha Mishra,  
son of Nemai Chand Dey, aged  
about 48 years, residing at 86,  
Maharshi Devendra Road, Flat  
No.9, Kolkata-700006.

26. Shri Brajesh Kumar, son  
of Late Om Prakash Mishra,  
aged about 52 years, residing at  
86, Maharshi Devendra Road,  
Flat No.9, Kolkata-700006,

... Applicants

-Versus-

1. Union of India, service  
through the Secretary to the  
Government of India, Ministry of  
Finance, Department of  
Revenue, North Block, New  
Delhi- 110001.

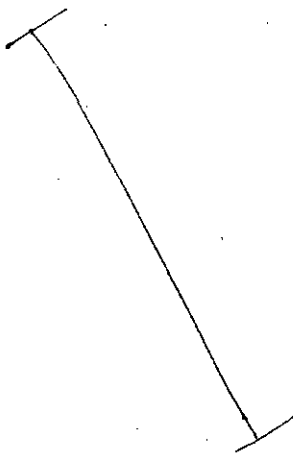


2. The Chairman, Central Board of Excise & Customs (Presently Central Board of Indirect Taxes and Customs), North Block, New Delhi-110001.

3. The Principal Chief Commissioner of CGST & CX, Kolkata, 180, Shanti Pally, Kolkata-700107.

4. Commissioner of CGST & CX, Howrah Commissionerate, M. S. Building, Custom House, 15/1, Strand Road, Kolkata-700001.

... Respondents



**CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA**



O.A/350/1910/2018  
MA 944/2018

Date of Order: 03.03.2020

**Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member**

Pijush Kanti Ghosh & Ors.....Applicants

**Vrs.**

Union of India & Ors. ....Respondents

For The Applicant(s): Mr. A.K.Manna, Counsel

For The Respondent(s): Ms. D.Nag, Counsel

**ORDER (ORAL)**

Bidisha Banerjee, Member (J):

Heard Ld. Counsels for both the parties.

2. M.A. No. 944/2018 preferred by the applicants under Rule 4(5)(a) of CAT (Procedure) Rules, 1987 to seek joint prosecution of this case is allowed subject to filing of required Postal Order/D.D. for each of the applicants.

3. All the applicants, except applicant No.6, are presently working as Superintendent of CGST & CX and they have preferred this O.A. to seek the following reliefs:

*"a) An order issuing direction upon the respondents to grant Grade Pay of Rs. 5,400/- (PB-2) to the applicants herein on completion of 4 years in the pay scale of Rs. 7,500-12,000/- (Pre-revised) as per Judgment dated 06.09.2010 of Hon'ble High Court of Madras, as upheld by Hon'ble Supreme Court vide its order dated 10.10.2017 and that dated 23.08.2018 with all consequential benefits including arrears of pay.*

*b) An order quashing and setting aside the clarification dated 11.02.2009 and directing the respondents to grant Grade Pay*

*of Rs. 5,400/- (PB-2) in the pay-scale of Rs. 7,500-12,000/- (Pre-revised) to the applicants on completion of 4 years of service in the Grade Pay of Rs. 4,800/- in PB-2 i.e. w.e.f different dates as mentioned in para 4(f) herein above.*

*c) An order directing the respondent authorities to provide production of relevant documents.*

*d) Any other order or further order/orders as this Hon'ble Tribunal may deem fit and proper."*



4. The case of the applicants in nutshell is that they had joined the post of UDC during 1997 and 1998 and, at the relevant point of time, they were working as Inspector. Subsequently, MACP benefit was granted to them (applicant No.26 was granted ACP benefit w.e.f. 03.03.2004), and they were placed in pay scale of Rs. 7500-12000/- with Grade Pay of Rs. 4800/-. The claim of the applicants is that they are entitled to Non-Functional Upgradation to the Grade Pay of Rs. 5,400/- on completion of four years of service in the grade of Inspector as per Govt. of India's Resolution dated 29.08.2008, as clarified in Board's Letter dated 21.11.2008. Applicants further rely upon the decision of the Hon'ble Madras High Court in W.P.No. 13225/2010, which has been upheld by the Hon'ble Apex Court in Civil Appeal No. 8883/2011.

5. Respondents have filed their counter contesting the prayer made in the O.A. The main thrust of their argument is that, since the applicants have been placed in the pay scale of Rs. 7500-12000/- with Grade Pay of Rs. 4800/- by virtue of financial upgradation under MACP Scheme and not on regular promotion, they are not entitled to the Non-Functional Upgradation.

6. Applicants have filed rejoinder reiterating the stand taken in the O.A. They have submitted that the benefit of Non-Functional Upgradation has already been extended to similarly situated employees by virtue of the court orders.

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Accordingly, they pray to consider their case in the light of the decisions of the different Courts.



7. Having heard the contentions of both the sides, without entering into the merits of the matter, we dispose of this O.A. with direction to the competent authority to look into the grievance of the applicants, as projected in their representations under Annexure-A/8, in the light of the decisions cited by the applicant and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. In the event it is established that they have a genuine claim, appropriate order shall be issued within that period.

8. The O.A. is disposed of accordingly with no order as to costs.

(Nandita Chatterjee)  
Member (A)

(Bidisha Banerjee)  
Member (J)

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