

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00392/2020

DATED THIS THE 15th DAY OF JUNE, 2021

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

(On video conference from Central Administrative Tribunal, Chandigarh Bench, Chandigarh)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

(On video conference from his residence in Bangalore)

1. Bhaskara Shetty, H,
s/o H. Ananda Shetty,
Aged about 60 years,
Superintendent (Retired),
R/a 3W-27-2232/14,
Swastishree, Kadri Kambla New Layout,
Post: Bejal,
Mangalore- 575004
2. G. Eshanna,
S/o Guthypa,
Aged about 62 years,
Superintendent (Retired),
R/a No. 1, Nandanavana layout,
Vidyaranyapura, Bangalore – 560097.
3. Harindra,
S/o M.S.N Iyengar,
Aged about 57 years,
Superintendent of Central Tax (Retired),
R/a No. 443, 8th Cross,
Mahalakshmi Layout,
Bangalore- 560086.
4. Jayant D. Kulkarni,
S/o Digambar Kulkarni,
Aged about 62 years,
Superintendent of Customs & Central Tax (Retired),
R/a No. 302, Sai Niva Apartment,
Nandanvanam Layout,
Vidyaranyapura,
Bangalore- 560097.

5. Narasimhan R,
S/o T.S Raghavan,
Aged about 67 years,
Superintendent (Retired),
R/a No. 275, Main Road,
Kuvempu Nagar II Stage,
Jalahalli East,
Bangalore – 560014.
6. R. Natarajan,
S/o late N.R. Raman,
Aged about 64 years,
Superintendent of Central Excise (Retd),
R/a No. 874, 7th Main, 3rd Cross,
HAL II Stage, Indiranagar,
Bangalore- 560008.
7. R. Satya Sai Prakash,
S/o late A. Ramachandran,
Aged about 55 years,
Superintendent (Retired),
R/a No. 16, 'Krithi', 3rd B I Main,
Block C, RHBCS Layout,
Shree Gadhada Kavalu,
Anapoorneshwari Nagar,
Nagarabhavi 2nd Stage,
Bangalore – 560091.
8. Ramesh V,
S/o N. Vijayaraghavan,
Aged about 53 years,
Superintendent (Retired),
R/a D-312, Gopalan Millienium Habitat,
Kundalahally Gate, Bangalore- 560037
9. S. Assadullah Khan,
S/o H. Saifullah Khan,
Aged about 60 years,
Superintendent of Customs (Retired),
R/a No. H. No. 757/447/A,
6th Cross, 9th Main, 2nd Block,
1st Stage, HBR Layout,
Bangalore- 560043.
10. S. Ramachandra,
S/o Manohara Rao,

Aged about 60 years,
Superintendent of Customs & Central Tax (Retd),
R/a No. 3944, 12th Main Road,
2nd Stage, Kumaraswamy Layout,
Bangalore- 560078.

11. Samu C.I.,
S/o C.V Iype,
Aged about 65 years,
Superintendent (Retired),
R/a No. 78, Sai Orchard Layout,
Hesaraghatta Road, Chikkabettahalli,
Vidyaranyapura, Bangalore- 560097
12. Shiva Kumar, C.K.
S/o late C.M. Kariappa,
Aged about 63 years,
Superintendent of Central Excise (Retired),
R/a No. 15, II A Cross,
Cashier Layout, BTM Tavarekere,
Bangalore- 560029.
13. Sudarshan K,
S/o M. Krishnaswamy,
Aged about 64 years,
Superintendent (Retired),
R/a No. 83, 'Shrinidhi',
17th Cross, 8th Main Road,
Muthyalanagar,
Bangalore- 560054.

.....Applicants

(By Advocate Shri. BS Venkatesh Kumar - through video conference)

V/s

1. Union of India represented by
Secretary to Government,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi-110 001.
2. Central Board of Excise & Customs(CBEC) & GST
By its chairman,
North Block, New Delhi- 110 001.

3. The Principal Chief Commissioner of
Central Tax, Bengaluru
P.B. No. 5400,
Central Revenue Building,
Queen's Road,
Bangalore – 560 001.

....Respondents

(By Shri. NB Patil, Counsel for the respondents - through video conference)

O R D E R (ORAL)

PER: SURESH KUMAR MONGA, MEMBER (J)

The present Original Application has been filed by the applicants under Section 19 of Administrative Tribunals Act, 1985 making therein the following prayer :

“(b) This Hon’ble Tribunal be pleased to issue a writ of mandamus directing the respondents to grant Non-Functional Grade (NFG) Scale in the Pay Band-2 – Rs. 9300- 34800+ GP of Rs. 5400/- after completion of 4 years of service to the applicant in Pay Band-2 Rs. 9300- 34800/- + GP Rs. 4800/-, with all consequential benefits of arrears of pay, pay fixation.”

2. At the very outset, Shri. BS Venkatesh Kumar, learned counsel for the applicants submitted that the matter is squarely covered by a judgement dated 30.01.2020 rendered by this Tribunal in OA No. 746/2019. Learned Counsel further pointed out that the said judgement has already been implemented by the respondents vide order dated 21.04.2020.

3. The fact as stated by Shri. BS Venkatesh Kumar, learned counsel for the applicants has not been disputed by Shri. NB Patil, learned counsel for the respondents.

4. Accordingly, the OA is allowed in the same terms of the judgement dated 30.01.2020 rendered by this Tribunal in OA No. 746/2019.

5. Consequent thereto, the respondents are directed to release the benefits to applicants herein within a period of two months from the date of receipt of a certified copy of this order.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

rj