CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

O.A. Nos.350/00048/2021, 49/2021, 208/2021, 210/2021 & 211/2021.

Date of order : This the 11ᵗʰ day of March, 2021.

Hon'ble Mrs.Bidisha Banerjee, Judicial Member

Hon'ble Dr (Ms) Nandita Chatterjee, Administrative Member

O.A. 48/2021   Shri Pradip Kumar Nandy

O.A. 49/2021   Shri Ajoy Kumar Bose

O.A. 208/2021   Ms Swati Bandyopadhyay

O.A.210/2021   Shri Tarun Kumar Deb

O.A.211/2021   Shri Kishore Kumar Majumdar

......Applicants

-Versus-

1. Union of India
    Service through the Secretary to the
    Govt. 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 & 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

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

For The Respondent(s):   Mr. K. K. Maity & Ms A.Rajyashree, counsel

ORDER (ORAL)

Ms Bidisha Banerjee, Member(J)

Heard ld. counsel for both sides.

2.   Due to parity in the nature of grievance, facts pleaded and relief claimed, these cases are being heard out analogously, upon due notice and with consent of all the sides, to be disposed of by this common order.

3.   For the sake of brevity, OA. No. 48/2021 is being delineated and discussed hereunder:

This O.A 48/2021 has been preferred to seek the following relief:

"8(a) An order issuing direction upon the respondents to grant Grade Pay of Rs. 5400/- in PB-2 to the applicant herein on completion of 4 years in the pay scale of Rs. 7500-12000/- (Pre-revised) as per Judgement 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 and as decided by Board vide it's letter dated 22.10.2019 and 27.07.2020 and Estt. Order No. 286/19, dated 06.12.2019 and subsequent similar Establishment Order issued in implementation thereof for extension of benefit covered under the judgment dated 06.09.2010 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. 5400/_(PB- 2) in the pay scale of Rs. 7,500/- - 12,000/- (Pre-revised) to the applicant on completion of 4 years of service in the Grade Pay of Rs. 4,800/- in PB-2 i.e. w.e.f. from the date as mentioned in para 4(f) hereinabove.

(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.   At hearing, ld. counsel for the applicants would submit that he would be fairly satisfied if a direction is issued to the concerned respondent authority to consider and dispose of the pending representation in the light of the judgment rendered in **Shiladitya Maitra &Ors** in **OA/350/358/2019** and to issue appropriate order.

5.   Accordingly, with the consent of both the parties and without calling for reply, we dispose of the O.A by directing the competent respondent authority to consider and dispose of the pending representation in the light of **OA/350/358/2019 (Shiladitya Maitra & ors)** supra, within 8 weeks from the date of receipt of a copy of this order and pass appropriate order.

6.   In the event the applicants are found entitled to the relief as sought for, identical benefits shall be extended in terms of the judgment supra, within 3 months thereafter.

7.   It is made clear that we have not entered into the merit of the matter and therefore all the points raised in the representations shall be open for consideration.

8.   The present OAs accordingly stand disposed of. No costs.

(DR NANDITA CHATTERJEE)
MEMBER(A)

(BIDISHA BANERJEE)
MEMBER (J)

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