

Central Administrative Tribunal Lucknow Bench Lucknow.

O.A. No. 444 /2008

This, the 17th day of December, 2008.

**Hon'ble Mr. M. Kanthaiah, Member(J)
Hon'ble Dr. A. K. Mishra, Member (A)**

1. V.K. Mishra, aged about 52 years son of late Sri Gaya Prasad Mishra, General Secretary, All India Central Excise Gazetted Ministerial Officers' Association, Lucknow posted as Assistant Chief Accounts Officer, Central Excise Commissionerate, Lucknow.
2. Sheo Poojan aged about 53 years son of Shri Panchu Ram, at present posted as Administrative Officer, in the Customs Commissionerate, Lucknow.
3. Samir Vidyarthi, aged about 38 years son of late Sri J.K. Vidyarthi, posted as Deputy Officer Superintendent, in the Central Excise Commissionerate, Lucknow.

Applicants

By Advocate: Sri P.N. Dwivedi

Versus

1. Union of India through Secretary, Ministry of Finance, Department of Revenue, North Block, New Delhi.
2. The Chairman, Central Board of Excise and Customs, North Block, New Delhi.
3. Chief Commissioner, Customs and Central Excise, 7 A, Ashok Marg, Lucknow.
4. Commissioner, Central Excise, 117/7, Sarvodaya Nagar, Kanpur.

Respondents.

By Advocate : Sri G.K.Singh

ORDER (ORAL)

By Hon'ble Shri M. Kanthaiah, Member (J)

Heard both sides.

2. Applicants No. 1,2 and 3 have filed joint application No. 2639/2006 stating that the claim is one and the same and the cause of action are also common and as such, the application for seeking permission to file joint application is allowed. Registry is directed to give regular O.A. number to this case.
3. Applicants have filed the O.A. with a prayer to issue direction to the respondents to remove the anomaly in the pay scale and revise the pay scale of the applicants also from 21.4.2004 from the date the scale of pay of

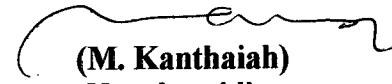


the Executive category of officers was revised with all consequential benefits.

4. It is also the case of the applicant that applicant No. 1 also made a representation dated 8.9.2005 (Ann. No.3) to the Member (North Zone), Central Board of Excise and Customs, New Delhi and the same is still pending without any disposal. The respondents have not filed detailed counter reply. When the representation of the applicants is still pending with the respondent authority, passing of any orders or issuing direction to the respondents is not at all desirable and thus O.A. is disposed of with a direction to the respondent No. 1 to consider the pending representation of the applicant dated 8.9.2005 (Ann. No. 3) and also treat this O.A. as additional representation of the applicants and pass reasoned orders as per rules within three months from the date of supply of copy of this order. The applicants are also at liberty to submit comprehensive representation to Respondent No.1 in respect of this O.A. claim along with copy of this order. Applicants are further directed to supply copy of representation dated 8.9.2005 (Ann. No. 3) along with copy of this order to respondent No. 1. No costs.


(Dr. A.K. Mishra)
Member (A)

HLS/-


(M. Kanthaiah)
Member (J)

17-12-08