

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

10.01.2012

OA No. 01/2012

OA No. 02/2012

OA No. 14/2012

Mr. P.K. Sharma, Counsel for applicant.

Heard. The OAs are disposed of by a separate order.

Anil Kumar
(Anil Kumar)

Member (A)

K.S. Rathore
(Justice K.S. Rathore)
Member (J)

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14/05/2012

C.P. 30/2012 (OA 01/2012)

Present : Mr. P.K. Sharma counsel for the applicant.

This case has been listed before Joint Registrar due to non-availability of Division Bench. Let the matter be placed before the Hon'ble Bench on 16/05/2012.

Gurmit Singh
(Gurmit Singh)
Joint Registrar

IV

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 10th day of January, 2012

CORAM :

HON'BLE MR.JUSTICE K.S.RATHORE, JUDICIAL MEMBER
HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

1. **ORIGINAL APPLICATION NO. 01/2012**

Sunil Kumar Sharma son of Shri M.L. Sharma, aged about 50 years (Superintendent Custom) SEZ, Sitapura, Jaipur. Resident of 14, Brij Colony, Inside Chambal Power House, Gate No. 2, Hawa Sadak, Sodala, Jaipur.

... Applicants

(By Advocate : Mr. P.K. Sharma)

Versus

1. Union of India through Revenue Secretary, Ministry of Finance and Department of Revenue, North Block, New Delhi.
2. Chairman, Central Board of Excise & Custom, North Block, New Delhi.
3. Secretary, Ministry of Personnel, Public Grievance & Pension, Department of Personnel & Training (DOPT), New Delhi.
4. Chief Commissioner, Central Excise, Jaipur Zone, New Central Revenue Building, Statue Circle, C-Scheme, Jaipur.
5. Commissioner, Central Excise, Jaipur. New Central Revenue Building, Statue Circle, C-Scheme, Jaipur.
6. Additional Commissioner (CCU), New Central Revenue Building, Statue Circle, C-Scheme, Jaipur.
7. Jagdish Parasär, Inspector, Central Excise and Customs Department at present Sanganer International Airport, Terminal-I, Jaipur.
8. Jitendra Bhati, Inspector, Central Excise and Customs Department, New Central Revenue Building, Statue Circle, C-Scheme, Jaipur.

... Respondents

(By Advocate: -----)

2. **ORIGINAL APPLICATION NO. 02/2012**

Girwar Singh Rathore son of Shri Dhan Singh Rathjore (Inspector) aged about 53 years, Central Excise

Commissionerate II, Jaipur. Resident of 251, Paschimvihar Colony, Behind Vaishali Nagar Police Station, Vaishali Nagar, Jaipur.

... Applicants
(By Advocate : Mr. P.K. Sharma)

Versus

1. Union of India through Revenue Secretary, Ministry of Finance and Department of Revenue, North Block, New Delhi.
2. Chairman, Central Board of Excise & Custom, North Block, New Delhi.
3. Secretary, Ministry of Personnel, Public Grievance & Pension, Department of Personnel & Training (DOPT), New Delhi.
4. Chief Commissioner, Central Excise, Jaipur Zone, New Central Revenue Building, Statue Circle, C-Scheme, Jaipur.
5. Commissioner, Central Excise, Jaipur-I. New Central Revenue Building, Statue Circle, C-Scheme, Jaipur.
6. Commissioner, Central Excise, Jaipur-II. New Central Revenue Building, Statue Circle, C-Scheme, Jaipur.
7. Additional Commissioner (CCU), New Central Revenue Building, Statue Circle, C-Scheme, Jaipur.
8. Jagdish Parasar, Inspector, Central Excise and Customs Department at present Sanganer International Airport, Terminal-I, Jaipur.
9. Jitendra Bhati, Inspector, Central Excise and Customs Department, New Central Revenue Building, Statue Circle, C-Scheme, Jaipur.

... Respondents
(By Advocate: -----)

3. ORIGINAL APPLICATION NO. 14/2012

Rekha Bhargava wife of Girish Bhargava, aged about 41 years (Inspector) Central Excise Commissionerate-I, Jaiur. Resident of Flat NO. 401, Madho Pearl Pride, 6, Vivekanand Marg, C-Scheme, Jaipur.

... Applicants
(By Advocate : Mr. P.K. Sharma)

Versus

1. Union of India through Revenue Secretary, Ministry of Finance and Department of Revenue, North Block, New Delhi.



2. Chairman, Central Board of Excise & Custom, North Block, New Delhi.
3. Secretary, Ministry of Personnel, Public Grievance & Pension, Department of Personnel & Training (DOPT), New Delhi.
4. Chief Commissioner, Central Excise, Jaipur Zone, New Central Revenue Building, Statue Circle, C-Scheme, Jaipur.
5. Commissioner, Central Excise, Jaipur-I. New Central Revenue Building, Statue Circle, C-Scheme, Jaipur.
6. Additional Commissioner (CCU), New Central Revenue Building, Statue Circle, C-Scheme, Jaipur.
7. Jagdish Parasar, Inspector, Central Excise and Customs Department at present Sanganer International Airport, Terminal-I, Jaipur.
8. Jitendra Bhati, Inspector, Central Excise and Customs Department, New Central Revenue Building, Statue Circle, C-Scheme, Jaipur.

... Respondents

(By Advocate: -----)

ORDER (ORAL)

Since the common question of law & facts is involved in the above three OAs, therefore, these are disposed of by a common order.

2. The short controversy involved in these OAs is that the respondents are not giving stepping up of pay to the applicants at par with their juniors, Mr. Jitendra Bhati and Jagdish Parashar. In this regard, the applicants have also submitted a notice for demand of justice dated 14.11.2011, which has been responded by the official respondents vide letter dated 24.11.2011 (Annexure A/1) in which they have stated that the stepping up of pay of the applicants with their junior in the grade of Inspector is under active consideration.

3. Learned counsel for the applicant submits that the respondents are not deliberately considering the case of the applicants in the light of the order date 19.01.2010 passed by the Chandigarh Bench of the Tribunal in OA No. 156-JK-2009, involving the similar controversy of facts in which the



Tribunal directed the respondents to stepped up the pay of the applicant at par with his junior and in terms of the directions contained in the case of Harcharan Singh Sudan. It was further made clear that the applicant shall be given stepping up of pay only and not the pay scale. The pay may be fixed accordingly and arrears also be paid to the applicant. The order was required to be complied with within three months from the date of the order.

4. Learned counsel for the applicant further contended that the order passed by the Chandigarh Bench was challenged before the Hon'ble High Court of Punjab & Haryana at Chandigarh by filing Civil Writ Petition NO. 12894/2010. The order of the Chandigarh Bench of the Tribunal was upheld by the Division Bench of the Hon'ble High Court vide order dated 23.07.2010. The respondents have further filed an SLP challenging the order passed by the Chandigarh Bench of the Tribunal as well as Division Bench of the Punjab & Haryana and the same was also stand dismissed on the ground of delay as well as on merit, meaning thereby that the order passed by the Chandigarh Bench of the Tribunal date 19.01.2010 has attained finality.

5. We have also considered the reply to the representation and notice for demand of justice dated 14.11.2011 in which also the respondents expressed their willingness to consider the case of the applicants.

6. Be that as it may, we are of the view that the ends of justice will be met if we direct the respondents to consider the case of the applicants expeditiously but in any case not beyond the period of three months from the date of receipt of the copy of this order in accordance with the provisions of law and in view of the directions given by the Chandigarh Bench of the Tribunal in OA No. 156-JK-2009 vide order dated 19.01.2010, by passing a reasoned and speaking order. Order accordingly.



7. If any prejudicial order is passed against the applicants, they are at liberty to file substantive OA.

8. With these observations, the OA is disposed of with no order as to costs.

Anil Kumar
(Anil Kumar)
Member (A)

K.S.Rathore
(Justice K.S.Rathore)
Member (J)

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