

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O. A. No.060/01497/2017

Date of decision: 18.12.2017

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. P. GOPINATH, MEMBER (A).**

Sher Singh Duggal son of Sh. G.S. Duggal, age 63 years, Retired Superintendent, office of Custom Preventative Amritsar, Punjab, now resident of H. No.1081, Sector 51-B, Central Excise & Customs Society, Chandigarh (Group-B).

... APPLICANT

VERSUS

1. Union of India through Secretary, Ministry of Finance, Department of Revenue, Central Board of Excise & Customs, North Block, New Delhi-110001.
2. Principal Commissioner, Central GST Commissionerate, Central GST Commissionerate, Central Revenue Building, Plot No.19, Sector 17-C, Chandigarh.
3. Chief Commissioner, GST Zone, Chandigarh, Central Revenue Building, Plot No.19, Sector 17-C, Chandigarh.

... RESPONDENTS

PRESENT: Sh. V.K. Sharma, counsel for the applicant.

ORDER (Oral)

...

SANJEEV KAUSHIK, MEMBER (J):-

1. Present O.A. has been filed wherein applicant seeks following relief(s):
 - 8(i) Quash the action of the respondents in not granting to the applicant benefit of 3rd financial upgradation under MACP in the grade pay of Rs.6600/- w.e.f. 01.09.2008.
 - (ii). Direct the respondents to fix the pay of the applicant as a result of grant of 3rd financial upgradation in the grade pay of Rs.6600/- w.e.f. 01.9.2008.
 - (iii) Direct the respondents to refix the pension and other retiral benefits of the applicant consequent to the grant of 3rd financial upgradation.
 - (iv) Direct the respondents to grant arrears of salary and arrears of pension and other retiral benefits along with interest @18% p.a."
2. Heard Sh. Sharma who submitted that earlier applicant had approached this Tribunal by filing O.A. No.159/PB/2013 wherein he had challenged the action of the respondents for not granting two financial upgradations. The said O.A. was allowed by this Court vide order dated 19.09.2013, wherein applicant was held entitled for two financial upgradations under ACP Scheme. Against that order, respondents filed Writ Petition No.2300 of 2014, which was dismissed on 23.05.2017. In furtherance thereto, the respondents have granted benefit, but they have not granted him 3rd MACP. Learned counsel submitted that once respondents have already taken permission from Govt. of India, Ministry of Finance, Department of Revenue, CBEC for grant of 1st and 2nd ACP, then they have to grant him 3rd financial upgradation on completion of 30 years of service. Therefore, he submitted that their action in not granting him 3rd MACP is arbitrary. He further submitted that before

approaching this Court, applicant has also moved representation dated 14.11.2017, but the same has not been answered till date. Therefore, this O.A. can be disposed of with a direction to the respondents to objectively consider his claim.

3. Issue notice to the respondents.
4. Sh. Ram Lal Gupta, Sr. Standing Counsel for Govt. of India, accepts notice and does not object to prayer of the applicant to consider and decide his representation.
5. In the light of above factual matrix, this O.A. deserves to be disposed of in limine with a direction to the respondents to consider and decide aforesaid representation of the applicant. If applicant fulfills the eligibility conditions for grant of 3rd MACP, then respondents are under obligation to grant him the same taking into account that he has already been granted 1st and 2nd financial upgradation pursuant to order of the High Court. Otherwise a reasoned and speaking order be passed in the matter. The above exercise be carried out within a period of two months from the date of receipt of a certified copy of this order. Order so passed be duly communicated to the applicant.
6. Disposal of the O.A. in the above terms will not be construed as an opinion on the merit of this case.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 18.12.2017.
Place: Chandigarh.

‘KR’

