

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHENNAI BENCH**

**MA/310/00205/2018 & OA/310/00494/2018**

**Dated Monday the 16<sup>th</sup> day of April Two Thousand Eighteen**

**PRESENT**

**HON'BLE SMT. B. BHAMATHI, Member (A)**

1.K.S.Ashokan,  
2.V.Venugopalan,  
3.V.Rajaram,  
4.K.Shahjahan. ....Applicants

By Advocate M/s. V. Vijay Shankar

Vs

The Union of India,  
rep by the Commissioner of Customs Chennai VIII,  
Commissionerate, Customs House,  
Rajaji Salai, Chennai 1. ....Respondent

**ORAL ORDER**

**(Pronounced by Hon'ble Smt. B. Bhamathi, Member(A))**

Heard. MA filed by the applicants for joining together is allowed.

2. The applicants have filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

*"To call for the records of the respondent in its F.No. S14/39/2017-Estt dated 06.10.2017 and quash the same and consequently direct the respondent to grant benefits of financial upgradation to the applicants on completion of 10 years of service in the year 2017 with all attendant benefits and pass such other order or orders as may be deemed fit and thus render justice."*

3. It is submitted that the applicants were initially appointed as Preventive Officers in the year 1994. Subsequently, they were promoted as Superintendent of Customs in the year 2003. Pursuant to the OMs dt. 11.07.2002 & 31.01.2005 issued by DoPT, the applicants were reverted provisionally by order dt. 07.12.2005, but they were again promoted as Superintendent of Customs on adhoc basis on the same date by order dt. 07.12.2005. The applicants had filed an OA 944/2005 challenging the reversion order dt. 07.12.2005 and this Tribunal allowed the OA by order dt. 25.09.2006 and directed the respondents therein to conduct review DPC. The services of the applicants were regularised by order dt. 17.08.2007 of the respondents therein with effect from 07.12.2005. It is therefore their contention that the applicants continued in the Pay scale Rs. 7500-12000/- from

2003 onwards without any break. It is submitted that as per circular dt. 21.11.2008 of the Central Board of Excise and Customs, the Superintendent of Customs, Appraiser etc who had completed four years of regular service in the pre revised pay scale of Rs. 7500-12000/- shall be granted the pre revised scale of Rs. 8000-13500/- (GP Rs. 5400 in the 6<sup>th</sup> CPC pay scales). Accordingly, the pay of the applicants was stepped up to the scale of Rs. 8000-13500/- and they are presently getting the corresponding 7<sup>th</sup> CPC equivalent pay scales. It is submitted that since the applicants have completed their 10 years of service in the above said pay scale, they are now entitled for their financial upgradation under the MACP scheme. They submitted their representation on 14.09.2017 requesting MACP benefit which was rejected by the impugned order dt. 06.10.2017 without any show cause notice. Aggrieved by the impugned order, the applicants have filed this OA.

4. Heard the learned counsel for applicant and perused the records.
5. I have considered the facts of the case. On perusal, the exact reason for rejection of the applicants' claim through the impugned order is not clear. However, there is no prayer for grant of interim relief. Applicants seek issue of notice to the respondents.
6. Hence, the ends of justice would be met in this case if the respondent is directed to issue a show cause notice to the applicants

herein with regard to their claim within a period of one week from the date of receipt of a certified copy of this order. On receipt of such show cause notice, the applicants shall submit their reply to the show cause notice stating therein as to why their claim should be considered within a period of one week thereafter and the respondent shall pass a reasoned and speaking order on the claim of the applicants within a period of four weeks thereafter.

7. The oral prayer of the learned counsel for applicant to grant interim relief till disposal of the reply to show cause notice is rejected in the light of the above.

8. OA is disposed of with the above direction at the admission stage.

**(B. Bhamathi)  
Member(A)  
16.04.2018**

SKSI