

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No. 681/2017.

Date of Decision: 10.11.2017.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

D.D. Joshi

Aged:- 61, S/o. Inder Sain Joshi
 Assistant Commissioner of Customs (Retired)
 Airport Special Cargo Commissionerate,
 Mumbai and residing at Flat No. A-1002,
 Hill View Residency, Sector 30 & 31,
 CBD Belapur, Navi Mumbai,
 Thane 400614.

... *Applicant*

(Advocate Ms. Minal Kanade)

Versus

1. Union of India.

Through its Revenue Secretary
 Central Board of Excise and Customs,
 Ministry of Finance, Department of Revenue
 North Block, New Delhi 110001.

2. The Chairman

Central Board of Excise and Customs,
 Ministry of Finance, Department of Revenue
 North Block, New Delhi 110001.

3. Chief Commissioner

Customs, Zone-I Mumbai
 New Custom House, Ballard Estate,
 Mumbai 400 001. ... *Respondents*

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out for admission, heard
 Ms. Minal Kanade, learned Advocate for the Applicant. We have
 carefully perused the case record.

2. The Applicant has grievance regarding non-
 consideration of his claim for grant of benefit of 3rd financial

upgradation under Modified Assured Career Progression (MACP) Scheme with Grade Pay of Rs.6600. The Applicant already retired from service on 30.04.2016 as Assistant Commissioner of Customs while working with the respondents.

3. The following reliefs are, therefore, sought in this OA;

“(a) This Hon'ble Tribunal is hereby prayed to direct the respondents authority to reply to the representations made by the applicant.

(b) That after considering the representations the Authority may please be directed to consider the grant of the benefit of 3rd financial up-gradation under MACPS with Grade Pay of Rs. 6600/- along with all consequential benefits to the applicant in the 3rd financial up-gradation under MACPS with Grade Pay of Rs. 6600/- w.e.f. 10.01.2013.

(c) The Authority may please be directed to follow the decision of Hon'ble High court, Madras in case of similarly placed employees S. Balkrishnan dated 16.10.2014

(d) Any other and further order/s as this Hon'ble Tribunal may deem fit, proper and necessary in the facts and circumstances of the case.

(e) Cost of this Original Application be provided for.”

4. It is stated that the applicant submitted representation dated 01.09.2015 followed by reminder letters dated 28.12.2015, 22.03.2016 & 05.12.2016 (Annexure A-1 collectively) for redressal of his grievance. However, no order has been communicated on it so far. In view of this, OA can be disposed of with appropriate directions.

5. Respondent No.3 is, therefore, directed to consider and

pass a reasoned and speaking order on the pending representation dated 01.09.2015 followed by reminder letters dated 28.12.2015, 22.03.2016 & 05.12.2016 of the applicant in accordance with law, within a period of four weeks from the date of receipt of certified copy of this order.

6. The order so passed shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum in case his grievance still persists.

7. The OA stands disposed of with the above directions at the admission stage, without issuing notice to the respondents and without making any comments on merits of the claim.

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.