

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**MUMBAI BENCH, MUMBAI.**

**ORIGINAL APPLICATION No.314/2010**

**Date of Decision: 05.12.2017.**

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

Shri N.P. Ranjan  
 Superintendent of Service Tax,  
 Divn. IV, Mahavir Jain Vidyalaya  
 Juhu Lane, Andheri (W),  
 Mumbai 400 053.  
 R/at 301, Padma Prabh,  
 Plot No.157, Bangur Nagar,  
 Goregaon (W), Mumbai 400 090.  
***(Advocate Shri Ramesh Ramamurthy )***

... ***Applicant***

**Versus**

1. Union of India through  
 The Secretary to the Govt. of India,  
 Ministry of Finance, (Dept. of Revenue),  
 South Block, New Delhi 110 001.
2. The Commissioner of Central Excise-  
 Mumbai – I,  
 New Central Excise Building,  
 115, M.K. Road, Opp. Churchgate  
 Station, Mumbai 400 020.
3. The Commissioner of Service Tax: Mumbai  
 New Central Excise Building,  
 115, M.K. Road, Opp. Churchgate  
 Station, Mumbai 400 001.
4. The Assistant Commissioner of Service Tax  
 Division VI, Mumbai,  
 1<sup>st</sup> Floor, Mahavir Jain Vidyalaya,  
 Juhu Lane, Andheri (W),  
 Mumbai 400 053.

... ***Respondents***

***(Advocate Shri V.S. Masurkar with  
 Shri N.K. Rajpurohit)***

**ORDER** (Oral)

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

Today when the matter is called out for final hearing, which is listed High on Board, Applicant and Shri Ramesh Ramamurthy, learned Advocate for him both remained absent, without any intimation even on repeated calls and waited upto 1.45 pm.

2. Shri V.S. Masurkar alongwith Shri N.K. Rajpurohit, learned Advocates appeared for the Respondents.

3. The matter pertains to grant of ACP benefits in which the following reliefs are sought;

8.a) *That this Hon'ble Tribunal be pleased to call for the records and proceedings relating to the orders dated 4.8.2009 forwarded with memo dated 16.09.2009 impugned herein above and after ascertaining the propriety and legality thereof quash and set them aside with all consequential benefits;*

8.b) *That this Hon'ble Tribunal be pleased to direct the respondents to grant him first financial upgradation with effect from 09.08.1999 and grant him arrears of pay and allowances for the period from 09.08.1999 to 26.07.2006 with interest @21% p.a., in pursuance thereof;*

8.c) *Such other orders as may be deemed necessary in the facts and circumstances of the case.*

8.d) *Cost of the application be provided for."*

4. In Reply, the respondents have denied the claim. However in view of absence of the applicant and his Advocate, the case cannot be

proceed further. On number of occasions the applicant's Advocate sought adjournment on the ground that WP involving similar issue is pending before the Hon'ble High Court.

**5.** In view of this, the OA stands dismissed in default of appearance of the applicant, his Advocate and for non-prosecution.

**6.** No order as to costs.

**(R. Vijaykumar)**  
**Member (A)**

**(A.J. Rohee)**  
**Member (J)**

*dm.*