

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.111/2018.

Date of Decision: 07.02.2018.

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

1. Shri. Murlidhar
 S/o. Utreshwar Rudraksha,
 Age:- 64 years, Administrative
 Officer (Retired);
 R/o. Shivalaya Niwas,
 House No. 9-1074(A),
 Munde Chowk, At Ambajogai,
 Dist. Beed. Pin code 431517.

2. Shri. Vijay Pundlik Arak,
 Aged: 59 years, Chief Accounts Officer,
 Goods & Service Tax Commissionerate,
 Aurangabad,
 R/o. Snehdeep, Plot No. 23,
 Navratra Hsg. Society,
 Beed Bye Pass Road,
 Satara Parisar, Alok Nagar,
 Aurangabad. Pin Code 431010.

... ***Applicants***

(Advocate by Shri S.B. Deshmukh)

Versus

1. The Union of India,
 Through the Secretary,
 AdIIA, Government of India,
 Ministry of Finance,
 Department of Revenue, CBFC,
 North Block, New Delhi 110001.

2. The Controller of Accounts
 WZ, CBEC, 9th Floor,
 New Customs House, Ballard Estate,
 Mumbai 400001.

3. The Commissioner of Goods &
 Service Tax (GST), N-5, Town Center,
 CIDCO, Aurangabad (MS) 431003.

4. The Pay & Accounts Officer
Central Excise, Customs & Service Tax,
N-5, Town Center, CIDCO,
Aurangabad 431003. ... **Respondents**

ORDER (Oral)

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

Today when the matter is called out for admission, heard Shri S.B. Deshmukh, learned Advocate for the Applicants. We have carefully perused the case record.

2. MA No.82/2018 for permission to file Joint Petition is **allowed**, since applicants are similarly placed and are seeking identical reliefs.

3. The Applicant No.1 retired as Administrative Officer whereas Applicant No.2 as Chief Accounts Officer while working under Respondent No.3. In this OA, they have come up with the grievance regarding fixation of their pay under FR 22(I)(a)(i) on re-designation/promotion to a post carrying the same Grade Pay in terms of the DOPT's OM dated 24.11.2000 and 07.01.2013.

4. In this OA, the following reliefs are, therefore, sought:-

“(8.1) Call for the entire relevant record from the respondents for its kind perusal.

8.2) Direct the respondent authorities to

implement the pay fixation orders in respect of above applicants and make payments of arrears as per rules as claimed by the applicants.

8.3) Any other order/ direction may also be passed in favour of the applicant.

(8.4) Award costs of the litigation to the applicant."

5. It is pointed out by learned Advocate for the applicants that although the applicants have made representation to the Respondent No.1 for redressal of their grievance, no final order has been passed, although vide communication dated 17.09.2015 from the office of Respondent No.1, it is stated that clarification is sought from the Department of Revenue.

6. Vide communication dated 12.01.2018 (Annexure A-1) from Assistant Accounts Officer, Office of the Controller of Accounts, Central Board of Excise & Customs, Mumbai addressed to the Pay and Accounts Office, Central Board of Excise & Customs, Aurangabad, it is stated that the applicants have submitted a representations which are still pending. This fact is also clear from the previous communication dated 08.10.2013 from Commissioner Central Excise & Customs, Aurangabad addressed to the Deputy Secretary

- Ad-II(A) Ministry of Finance, Department of Revenue, Govt. of India, Central Board of Excise & Customs, New Delhi that the representations are pending.

7. In view of the above, it is obvious that the respondents are yet to take a decision on the representations submitted by the applicants towards redressal of their grievance. Hence, the Respondent No.1 is directed to take appropriate steps to consider and pass a reasoned and speaking order on the pending representations of the applicants in accordance with law, within a period of eight weeks from the date of receipt of certified copy of this order.

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

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

10. Registry is directed to forward certified copy of this order to both the parties at the earliest.

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.