

(OPEN COURT)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

This is the **06TH** day of **DECEMBER, 2018**.

ORIGINAL APPLICATION NO. 1318 OF 2018

HON'BLE MR RAKESH SAGAR JAIN, MEMBER (J).
HON'BLE MR MOHD JAMSHED, MEMBER (A).

1. Kaushal Kishore Bhashkar, aged about 53 years, son of Sri Ramjanam, Presently posted as Superintendent in the Office of the Commissioner (Appeals), CGST & Central Excise, Allahabad-U.P.
2. T.M.Siddique aged about 51 years, son of Sri M.H. Siddique, Presently posted as Superintendent in the Office of the Commissioner (Appeals), CGST & Central Excise, Allahabad-U.P.
3. Smt. Chitra Srivastava aged about 50 years, wife of Sri Ashok Kumar Srivastav, Presently posted as Superintendent in the Office of the Commissioner (Appeals), CGST & Central Excise, Allahabad-U.P.
4. Sudhir Kumar Sonkar, aged about 56 years, son of Late D.P. Sonkar, Presently posted as Superintendent in the Office of the Commissioner, CGST & Central Excise, Allahabad U.P.
5. Rajesh Kumar Varma, aged about 57 years, son of Sri Ram Bau Varma, Presently posted as Superintendent in the Office of the Commissioner, CGST & Service Tax Range-Bhadohi-UP.
6. Tahir Malik, aged about 44 years, son of Sr S.A. Malik, Presently posted as Superintendent in the Office of the Commissioner, CGST & Central Excise, Allahabad U.P.
7. Surendra Nath, aged about 54 years, son of Sri Johan Ram, Presently posted as Superintendent in the Office of the Assistant Commissioner, CGST & Central Excise, Division-II, Allahabad-U.P.
8. Krishna Narain Singh, aged about 51 years, son of Sri Maheshwar Nath Singh, Presently posted as Superintendent in the Office of the Commissioner, CGST & Central Excise, Allahabad-U.P.
9. Sanjiv Kumar Chaudhary, aged about 53 years, son of Late N.L. Chaudhary, Presently posted as Superintendent in the Office of the Commissioner, CGST & Central Excise, Allahabad U.P.
10. Maujood Ahmad Siddiqui, aged about 49 years, son of Late Anwar Ahmad Siddique, Presently posted a Superintendent in the Office of the Commissioner, CGST & Central Excise, Allahabad-U.P.

11. Jai Ram, aged about 53 years, son of Late Ram Kishore, Presently posted as Superintendent in the Office of the Commissioner, CGST & Central Excise, Allahabad U.P.
12. Anand Kumar Rai, aged about 47 years Son of Late Radhey Shyam Rai Presently Posted in the DRI, Sub-Regional Unit, Varanasi.
13. Anupam Kumar Tiwari, aged about 50 years, son of Late Babban Tiwari, Presently posted as Superintendent in the Office of the Commissioner, CGST & Central Excise, Allahabad U.P.
14. Vinod Kumar Mitra, aged about 55 years, son of Late S.K. Mitra, Presently posted as Superintendent in the Office of the Assistant Commissioner, CGST & Central Excise, Allahabad U.P.
15. Vijay Bhushan, aged about 53 years, son of Late Jagdish Narain, Presently posted as Superintendent in the Office of the Commissioner, CGST & Central Excise, Allahabad U.P.
16. Harish Chandra, aged about 52 years, son of Shri Sant Lal Yadav, Presently posted as Superintendent in the Office of the Commissioner, CGST & Central Excise, Allahabad U.P.
17. Sangam Lal, aged about 51 years, son of Late Sadhu Ram, Presently posted as Superintendent in the Office of the Assistant Commissioner, CGST & Central Excise, Division-II, Allahabad-U.P.
18. Smt. Champa Matlani, aged about 52 years, wife of Sri Anil Kumar Matlani, Presently posted as Superintendent in the Office of the Commissioner, CGST & Central Excise, Allahabad U.P.
19. Himanshu Vallabh Shukla, aged about 50 years, son of Late S.J. Shukla, Presently posted as Superintendent in the Office of the Assistant Commissioner, CGST & Central Division-II, Allahabd-U.P.
20. Surendra Sonkar, aged about 59 years, son of Late Pyare Lal Sonkar, Presently posted as Superintendent in the Office of the Assistant Commissioner, CGST & Central Excise, Division-I, Allahabad-U.P.
21. Sandeep Kumar, aged about 54 years, son of Late B.M.L. Gupta, Presently posted as Superintendent in the Office of the Commissioner, CGST & Central Excise, Allahabad U.P.
22. Ram Narain Verma, aged about 59 years, son of Sri Bansraj Verma, Presently posted as Superintendent in the Office of the Assistant Commissioner, CGST & Central Excise, Division, Faizabad-U.P.

23. Radhey Shyam, aged about 51 years, son of Sri Babu Ram, Presently posted as Superintendent in the Office of the Assistant Commissioner, CGST & Central Excise, Division, Faizabad-U.P.
24. Parmatma Prasad Pathak, aged about 62 years, son of Late Paras Nath Pathak, Retired Superintendent, Customs and Central Excise, resident of HIG-190, Preetam Nagar, Allahabad-U.P.
25. Saurabh Mani Tripathi, aged about 62 years, son of Late Ram Dular Mani Tripathi, Retired Inspector, Customs and Central Excise, resident of Village, Mahewa, P.O.- Agriculture Institute, Allahabad-211007-U.P.
26. Brijesh Kumar Singh, aged about 45 years, son of Late Subedar Singh, Presently posted as Superintendent in the Office of the Commissioner, CGST & Central Excise, Maqbool Alam Road, Varanasi-U.P.
27. Ramesh Kumar Sharma, aged about 51 years, son of Sri Bechan Ram Sharma, Presently posted as Superintendent in the Office of the Commissioner, CGST & Central Excise, Maqbool Alam Road, Varanasi-U.P.
28. Ajay Kumar Kale, aged about 49 years, son of Late Shashikant Kale, Presently posted as Superintendent in the Office of the Commissioner, CGST & Central Excise, Maqbool Alam Road, Varanasi-U.P.
29. Judhajit Nag, aged about 50 years, son of Sri Mrinal Kanti Nag, Presently posted as Superintendent in the Office of the Commissioner, CGST & Central Excise, Maqbool Alam Road, Varanasi-U.P.
30. Sudhakar Tiwari, aged about 52 years, son of Sri R.S. Tiwari, Presently posted as Superintendent in the Office of the Commissioner, CGST & Central Excise, Kutchery Road, Gorakhpur-U.P.
31. Rajeshwar Prasad, aged about 50 years, son of Late Shyam Deen Ram, Presently posted as Superintendent in the Office of the Commissioner, CGST & Central Excise, Division Mirzapur, Jangi Road, Mirzapur-U.P.
32. Ram Dular, aged about 50 years, son of Late Murlidhar, Presently posted as Superintendent in the Office of the Assistant Commissioner, CGST & Central Excise, Division Mirzapur, Jangi Road, Mirzapur-U.P.

33. Kalp Nath Ram, aged about 54 years, son of Late Ram Murat Ram, Presently posted as Superintendent in the Office of the Assistant Commissioner, CGST & Central Excise, Division-II Gorakhpur-U.P.
34. Atil Kumr, aged about 51 years, son of Late Pramod Kumar, Presently posted as Superintendent in the Office of the Assistant Commissioner, CGST & Central Excise, Division Mirzapur, Jangi Road, Mirzapur, U.P.
35. Rakesh Kumar Yadav, aged about 48 years, son of Sri Hansraj Yadav, Presently retired as Superintendent in the Office of the Commissioner, CGST & Central Excise, Maqbool Alam Road, Varanasi-U.P.
36. Pradeep Kumar Srivastava, aged about 52 years, son of Late Jai Mangal Prasad Srivastava, Presently posted as Superintendent in the Office of the Commissioner, CGST & Central Excise, Maqbool Alam Road, Varanasi-U.P.
37. Vijay Shanker Yadav, aged about 49 years, son of Shri Ram Yadav Presently posted as Superintendent in the Office of the Deputy Commissioner, Customs (Preventive) Division-Nautanwa, Maharajganj, U.P.
38. Gopal Pandey, aged about 48 years, son of Late J.N. Pandey, Presently posted as Superintendent in the Office of the Deputy Commissioner, Customs (Preventive) Division-Nautanwa, Maharajganj, U.P.
39. Lavlesh Kumar, aged about 54 years, son of Ram Nath Singh, Presently posted as Inspector in the Office of the Deputy Commissioner, Customs (Preventive) Division-Nautanwa, Maharajganj-U.P.
40. Rajat Tiwari, aged about 50 years, son of Sri Ramesh Chandra Tiwari, Presently posted as Superintendent in the Office of the Deputy Commissioner, Customs (Preventive) Division-Nautanwa, Maharajganj-U.P.
41. Pravin Bhooshan, aged about 50 years, son of Sri Prem Nath Jha, Presently posted as Superintendent in the Office of the Deputy Commissioner, Customs (Preventive) Division-Nautanwa, Maharajganj-U.P.
42. Anil Kumar Singh, aged about 49 years, son of Sri Chendra Deo Singh, Presently posted as Superintendent in the Office of the

Deputy Commissioner, Customs (Preventive) Division- Nautanwa, Maharajganj-U.P.

- 43. Ashok Kumar Dwivedi, aged about 51 years, son Late Hari Dutt Dwivedi, Presently posted as Superintendent in the Office of the Deputy Commissioner, Customs (Preventive) Division-Nautanwa, Maharajganj-U.P.
- 44. Smt. Kamlesh Raj, aged about 52 years, wife of Sri Harsh Raj Prasad, Presently posted as Inspector in the Office of the Assistant Commissioner, Customs (Preventive) Division Varanasi Maqbool Alam Road, Varanasi-U.P.
- 45. Prabhakar Singh, aged about 51 years, son of Sri Suresh Bahadur Singh, Presently posted as Superintendent in the Office of the Assistant Commissioner, Customs (Preventive) Division Varanasi Maqbool Alam Road, Varanasi-U.P.
- 46. M.A. Abbasi, aged about 52 years, son of Late Mahboob Alam, Presently posted as Superintendent in the Office of the Assistant Commissioner, Customs (Preventive) Division Varanasi Maqbool Alam Road, Varanasi-U.P.
- 47. Satya Prakash Pathak, aged about 56 years, son of Sri Ram Bali Pathak, Presently posted as Superintendent in the Office of the Assistant Commissioner, Customs (Preventive) Division Varanasi Maqbool Alam Road, Varanasi-U.P.
- 48. Sabhajit Singh, aged about 52 years, son of Late Bechan Singh, Presently posted as Superintendent in the Office of the Assistant Commissioner, ICD-Agra, Mothimahal Road, Yamuna Bridge, Agra-U.P.
- 49. Rajesh Kumar Singh, aged about 53 years, son of Late Udhay Bhan Singh, Presently posted as Superintendent in the Office of the Assistant Commissioner, ICD Madhosing, District-Bhadohi-U.P.
- 50. Gyaneshwar Dwivedi, aged about 45 years, son of Sri Srikant Dwivedi, Presently posted as Superintendent in the Office of the Assistant Commissioner, Customs (Preventive) Division Varanasi Maqbool Alam Road, Varanasi-U.P.
- 51. Kuldip Kumar Ojha, aged about 49 years, son of Sri Vinod Kumar Ojha, Presently posted as Superintendent in the Office of the Assistant Commissioner, Customs (Preventive) Division, Varanasi, Maqbool Alam Road, Varanasi-U.P.

52. Keshwav Singh, aged about 49 years, son of Sri Lallan Singh, Presently posted as Inspector in the Office of the Assistant Commissioner, Customs (Preventive) Division Varanasi Maqbool Alam Road, Varanasi-U.P.
53. Shailendra Tripathi, aged about 51 years, son of Late B.P. Tripathi, Presently posted as Superintendent in the Office of the Assistant Commissioner, Customs (Preventive) Division Varanasi, Maqbool Alam Rad, Varanasi-U.P.
54. Shailendra Mohan Bhatnagar, aged about 50 years, son of Late R.M. Bhatnagar, Presently posted as Superintendent in the Office of the Assistant Commissioner, Customs (Preventive) Division Varanasi Maqbool Alam Road, Varanasi-U.P.
55. Hariom Singh, aged abot 46 years, son of Late Ganpat Singh, Presently posted as Superintendent in the Office of the Assistant Commissioner, Customs (Preventive) Division Varanasi Maqbool Alam Road, Varanasi-U.P.
56. Arvind Kumar,. Aged about 52 years, son of Sri Radha Raman, Presently posted as Inspector in the Office of the Assistant Commissioner, Customs (Preventive) Division Varanasi Maqbool Alam Road, Varanasi-U.P.
57. Mewa Lal, aged about 54 years, son of Sri Bhagwati Prasad, Presently posted as Superintendent in the Office of the Deputy Commissioner, Customs (Preventive) Division Nautanwa, Maharajganj, U.P.
58. Vishal Kumar Shastri, aged about 48 years, son of Late Mahadev Prasad Shastri, Presently posted as Superintendent in the Land Customs Station Barhni, District Siddhartnagar, Office of the Deputy Commissioner, Customs (Preventive) Division Gorakhpur, Kutchery Road, Gorakhpur-U.P.
59. Krishna Kumar, aged about 52 years, son of Sri Ashok Kumar, Presently posted as Superintendent in the Land Customs Station Khunwa, District-Siddhartnagar, Office of the Deputy Commissioner, Customs (Preventive) Divisin Gorakhpur, Kutchery Road, Gorakhpur-U.P.
60. Sanjay Chaterjee, aged about 54 years son of Late D.M. Chatjee, Presently posted as Superintendent in the Office of the Deputy Commissioner, Customs (Preventive) Division Nautanwa, Maharajganj, U.P.

61. Ramachal, aged about 54 years, son of Late Jagganath, Presently posted as Superintendent in the CMPPU Barhni, Distt. Siddhartnagar, Office of the Deputy Commissioner, Customs (Preventive), Division Gorakhpur, Kutchery, Road, Gorakhpur-U.P.
62. Yogesh Kumar Sharma, aged about 53 years son of Sri Virendra Nath Sharma, Presently posted as Superintendent in the Office of the Deputy Commissioner, Customs (Preventive) Division, Nautanwa, Maharajganj-U.P.
63. Alok Kumar, aged about 48 years, son of Sri Mahendra Lal, Presently posted as Superintendent in the Office of the Assistant Commissioner, ICD-Agra, Motimahal Road, Yamuna Bridge, Agra-U.P.
64. Durgesh Kumar Asthana, aged about 50 years, son of Sri Krishna Mohan Asthana, Presently posted as Superintendent in the Land Customs Station Khunwa, District Siddhartnagar, Office of the Deputy Commissioner, Customs (Preventive) Division Gorakhpur, Kutchery Road, Gorakhpur-U.P.
65. Navendu Kumar Das, aged about 52 years, son of Late R.K. Das, Presently posted as Superintendent in the Land Customs Staion Barhni, District Siddhartnagar, Office of the Deputy Commissioner, Customs (Preventive) Division Gorakhpur, Kutchery Road, Gorakhpur-U.P.
66. Manni Lal, aged about 54 years, son of Sri Mohan Lal, Presently posted as Superintendent in the Customs (Preventive) Division Gorakhpur-U.P.
67. Smt. Radhikha Tripathi, aged about 57 years, wife of Sri Bipin Mani Tripathi, Presently posted as Superintendent in the Customs (Preventive) Division Gorakhpur-U.P.
68. Surendra Ram, aged about 50 years Son of Sumer Ram Presently posted as Superintendent in the Land Customs Station Barhni, District Siddhartnagar, Office of the Deputy Commissioner, Customs (Preventive) Division Gorakhpur, Kutchery Road, Gorakhpur-U.P.
69. Rakesh Kumar Patahak, aged about 47 years,son of Sri Jagdamba Prasad Pathak, Presently posted as Inspector in the CGST & Central Excise, Audit Circle, 38 M.G. Marg, Civil Lines, Allahabad-U.P.
70. Sanjeev Kant Pandey, aged about 49 years, son of Late Chinta Mani Pandey, Presently posted as Superintendent in the CGT & Central Excise, Audit Circle, 38, M.G. Marg Civil Lines, Allahabad-U.P.

71. Ajit Kumar Tiwari, aged about 51 years, son of Sri Akhilanand Tiwari, Presently posted as Superintendent in the Office of the Commissioner, CGST & Central Excise, Gautam Budh Nagar, 3rd Floor Wegmenn Business Park, Knowledge Park/3, Greater Noida-201306-U.P.
72. Mukul Tiwari, aged about 46 years, son of late R.K. Tiwari, Presently posted as Superintendent in the CGST & Central Excise, Range-2, Division-1, Commissionerate-Gautam Budh Nagar-U.P.
73. Smt. Vandana Verma, aged about 53 years, wife of Dr. Rakesh Vrma, Presently posted as Inspector in the Office of the Assistant Commissioner, CGST & Central Excise Division, Mirzapur, Jangi Road, Mirzapur-U.P.

.....Applicants.

VERSUS

1. The Union of India, through the Secretary, Ministry of Finance, Department of Revenue, Government of India, New Delhi.
2. The Central Board of Indirect Taxes and Customs, through its Chairman, Government of India, New Delhi.
3. The Principal Chief Commissioner, (Cadre Controlling Authority), Central Goods and Services Tax and Central Excise, Lucknow Zone, 7-A, Ashok Marg, Lucknow-U.P.
4. The Secretary, Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India, New Delhi.
5. The Commissioner (Appeals), CGST & CentralExcise, 38, M.G. Marg, Civil Lines, Allahabad-U.P.
6. The Commissioner, CGST & Central Excise, 38, M.G. Marg, Civil Lines, Allahabad-U.P.
7. The Commissioner, CGST & Central Excise, Maqbool Alam Road, Varanasi-U.P.
8. The Commissioner, Customs (Preventive), Commissinerate, U.P. & Uttarakhand, 5th & 11th Floor, Kendriya Bhawan, Sector-H, Aliganj, Lucknow U.P.
9. The Commissioner, (Audit), CGST & Central Excise Audit Commissionerate, Kanpur 117/7, Sarvodaya Nagar, Kanpur-U.P.
10. The Commissioner, CGST & Central Excise, Gautam Buddh Nagar, 3rd Floor, Wegmenn Business Park, Knowledge Park/3, Greater Noida-201306.

.....Respondents

Advocate for the Applicants : Shri Shyamal Narain
 Advocate for the Respondents : Shri L P Tiwari

O R D E R
(Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member-J)

Heard Shri Shyamal Narain, learned counsel for the applicants and Shri L P Tiwari, learned counsel for the respondents.

2. The brief facts of the case are that the matter in dispute was decided by the Hon'ble Madras High Court in the case of M. Subramanium Vs Union of India and others. The respondents went in appeal against the judgement passed by the Hon'ble Madras High Court before the Hon'ble Supreme Court. However, the SLP as well as the Review application was dismissed by the Hon'ble Supreme Court.

3. Learned counsel for the applicants submitted that the Chandigarh Bench, Mumbai Bench, Principal Bench and Hyderabad Bench of this Tribunal also considered similar matters and followed the law laid down by the Hon'ble High Court of Madras, and therefore, there can be no impediment in giving the same relief to the applicants herein.

4. It is further contended by the learned counsel for the applicants that the respondents have sought to make out that the judgement passed by the Hon'ble Madras High Court is judgement in *personam*, ignoring the fact that the other Benches of this Tribunal have followed the judgement passed by the Hon'ble Madras High Court. Hence, it would be in fitness of things if the respondents consider the case of the applicants and meet out the same treatment as has been given to their other counter parts all over India.

5. It may be noted that applicants have placed on record the 'compliance orders' passed by the respondents to give effect to orders passed by Hon'ble High Court of Mumbai and Hyderabad regarding the dispute covered by the present OA.

6. In these circumstances, the respondents are directed to consider the stand of the applicants and take a decision and accord similar treatment as given to similarly situated officers of Government of India in the aforementioned litigations referred above.

7. It would be pertinent to note that the pay fixation matters, like the one under consideration are all governed by uniform policies of the Government, any judgement on these matters by their very nature are always judgement in *reim* and cannot be judgement in *personam*, unless so specified in the order.

8. Learned counsel for the respondents is directed to forward a copy of the OA as well as the copy of the judgements furnished by the learned counsel for the applicants to the respondents for their information and consideration of the matter. The respondents would ensure that the benefit of the judgement referred above are given to all the persons who are entitled to the same whether they are retired or are in service. This exercise is to be completed within a month from the date of receipt of certified copy of this order.

9. With the above direction, the OA is disposed of. No order as to cost.

(MOHD JAMSHED)
MEMBER-A

(RAKESH SAGAR JAIN)
MEMBER-J

Arun..