

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01554/2018

Chandigarh, this the 24th day of December, 2018

...
**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)**

...

1. Narender Kumar son of Sh. Desh Raj Keshdene, age 48 years, working as Inspector in the office of Central Good and Service Tax, Division Khanna, (Punjab) Pin Code-141401, (resident of House No.4099-A, Sector 37-C, Customs Colony, Chandigarh, Pin Code-160036).
2. Dharmender Kumar son of Sh. Yashpal Singh, age 52 years, working as Superintendent in the office of Central Good and Service Tax, Division-II, Mohali, (Punjab) Pin Code-140603, (resident of House No.4118-G, Sector 37, Customs Colony, Chandigarh, Pin Code-160036).
3. Gulzar Singh Sandhu son of Sh. Joginder Singh Sandhu, age 52 years, working as Superintendent in the office of Central Good and Service Tax, Shimla (HP) Pin Code-171001, (resident of House No.4116 G, Sector 37-C, Chandigarh, Pin Code-160036).
4. Vijay Mohan son of Sh. Virender Singh, age 48 years, working as Inspector in the office of Central Good and Service Tax, Division-Rajpura, (Punjab) Pin Code-140401 (resident of House No.4117-C, Sector 37-C, Customs Colony, Chandigarh, Pin Code-160036).
5. Ashok Kumar son of Sh. Braham Deo Prasad, age 45 years, working as Inspector in the office of Central Good and Service Tax, Division Patiala-I, (Punjab), Pin Code-147002, (resident of House No.4117-A, Sector 37-C, Customs Colony, Chandigarh, Pin Code-160036).
6. Harpreet Singh Sachdeva son of Sh. Gurbax Singh, age 51 years, working as Inspector in the office of Central Good and Service Tax, Division Sangrur, (Punjab), Pin Code-148001, (resident of House No.7, Gill Enclave, Patiala, Pin Code-147001).
7. Raj Kumar son of Sh. Mehar Singh, age 59 years, working as Inspector in the office of Central Good and Service Tax Commissionerate, Chandigarh Pin Code-160017, (resident of

House No.4132-A, Customs Colony, Sector 37-C, Chandigarh, Pin Code-160036).

8. Akhilesh Kumar son of Sh. Rupinder Pal, age 48 years, working as Inspector in the office of Central Good and Service Tax Commissionerate, Chandigarh Pin Code-160036, (resident of House No.4087/C, Customs Colony, Sector 37-C, Chandigarh, Pin Code-160036).
9. Gurmeet Singh son of Sh. Amarjit Singh, age 58 years, working as Superintendent in the office of ICP, Attari (Punjab) Pin Code-143108, (resident of House No.89, New Green Park, Amritsar, Pin Code-143001).
10. Ajaib Singh Bawa son of Sh. Gurbachan Singh, age 65 years, (Retd. Inspector) from the office of Central Goods & Services Tax Commissionerate, Chandigarh, Pin Code-160017, (resident of House No.815, TDI Colony, Sector 111, Mohali, Pin Code-140307).
11. Jaswant Singh son of Sh. Khaker Singh, age 65 years, (Retd. Inspector), Central Goods & Services Tax Commissionerate, Chandigarh, Pin Code-160017, (resident of House No.86, Shivalik City, Sector 127, Kharar, Pin Code-140307).
12. Ashok Kumar Sharma son of Sh. Amar Nath Sharma, age 60 years, (Retd. Superintendent) from the office of Central Good and Service Tax Chandigarh, Range-IV, Division-I, Chandigarh, Pin Code-160017, (resident of House No.423, L.B. Enclave, Sector 49-A, Chandigarh, Pin Code-160047).
13. Jasbir Singh son of Sh. Sohan Singh, age 60 years, Retd. Superintendent from the office of Central Goods & Services Tax Division, Mohali, (Punjab), Pin Code-140603, (resident of House NO.130, Sector 55, Chandigarh, Pin Code-160055).

....APPLICANTS

(Present: Mr. K.B. Sharma, Advocate)

VERSUS

1. Union of India through the Secretary to Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, North Block, New Delhi.

2. The Central Board of Indirect Taxes and Customs, Ministry of Finance, Department of Revenue, New Delhi, through its Chairman, North Block, New Delhi.
3. The Principal Commissioner of Central Excise & GST (Cadre Controlling Authority), Goods and Services Tax Commissionerate Chandigarh, Central Revenue Building, Plot No.19, Sector 17-C, Chandigarh-160017.

....RESPONDENTS

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)

MA No. 060/02023/2018

For the reasons stated therein, the MA is allowed and the applicants are allowed to join together, to file this single O.A.

O.A.

1. The applicants herein have sought quashing of order dated 25.09.2018 (Annexure A-1) whereby their claim for grant of benefit of non functional upgradation from the date they completed four years in the pay scale of Rs.7500-12000, in terms of ratio laid down in the case of Munish Kumar and Others (060/01044/2014) has been rejected and to grant them the relevant benefits.
2. Learned counsel for the applicants submitted that the claim of the applicants has been rejected merely on the ground that they were not a party to the case filed by similarly situated employees, which is not sustainable in the eyes of law. Learned counsel submits that the claim of the applicants is squarely covered by the ratio of law laid down by this Court in the cases of Munish Kumar & Others Vs. Union of India & Others (O.A. No. 060/01044/2014) and Sanjeev Dhar & Others Vs. Union of India & Others (O.A. No. 060/00018/2015) decided by a common order

dated 04.11.2015. He makes a statement at the bar that the applicants would be satisfied if a direction is issued to the respondents to consider their claim in view of the ratio of law laid down by this Court in the cases aforementioned.

3. Issue notice to the respondents.

4. At this stage, Mr. Sanjay Goyal, Advocate, appears and accepts notice on their behalf. He does not object to the disposal of the O.A. in the above terms. He prays for two months time to consider the claim of the applicants, in view of the cases relied upon by them.

5. In view of the ad-idem between the parties, the O.A. is disposed of with a direction to the respondents to consider the claim of the applicants to grant them NFG grade from the due date in view of the law laid down by this Court in the case of Munish Kumar (supra), as relied upon by them, within a period of two months from the date of receipt of a copy of this order. If upon such consideration, the applicants are found similarly situated like the applicants in the indicated cases, the relevant benefits be granted to them, otherwise a reasoned and speaking order be passed on their claim.

6. Needless to mention that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case.
No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 24.12.2018

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