

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00233/2019
Chandigarh, this the 18th day of March, 2019

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

...

Ajay Pahooja son of Sh. Ram Chand Pahooja age 50 years, Superintendent (Group B) presently posted as Specified Officer, Quark City, SEZ, Mohali – 160059 under the Principal Commissioner of Central Excise & GST (Cadre Controlling Authority), Goods and Service Tax Commissionerate Chandigarh, Central Revenue Building, Plot No. 19, Sector 17 CAT Chandigarh Bench, Chandigarh – 160017.

....Applicant

(Present: Mr. P.M. Kansal, 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 – 110011.
2. The Central Board of Indirect Taxes and Customs, Ministry of Finance, Department of Revenue, New Delhi through its Chairman, North Block, New Delhi – 110011.
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)

1. The applicant herein has sought quashing of order dated 25.09.2018 (Annexure A-1) whereby his 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 Vs. Union of India

& Others (060/01044/2014) has been rejected and to grant him the relevant benefits.

2. Learned counsel submitted that the claim of the applicant has been rejected merely on the ground that he was not a party to the case filed by similarly situated employees, which is not sustainable in the eyes of law. He submitted that the claim of the applicant 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 and followed in O.A. No. 060/01554/2018 titled **Narender Kumar & Others Vs. Union of India & Others** decided on 24.12.2018. He made a statement at the bar that the applicant would be satisfied if a direction is issued to the respondents to consider his 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 applicant, in the light 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 applicant to grant him 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 him, within a period of two

months from the date of receipt of a copy of this order. If upon such consideration, the applicant is found similarly situated like the applicants in the indicated cases, the relevant benefits be granted to him, otherwise a reasoned and speaking order be passed on his 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:18.03.2019

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