

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00539/2019
Chandigarh, this the 22nd day of May, 2019

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CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

1. Narain Singh Ajnoha son of Sh. Hamir Singh age 54 years working as Superintendent o/o Hqrs. Admin., CGST Commissionerate, F-Block, Rishi Nagar, Ludhiana-141004 (r/o 47, New Agar Nagar, Ferozepur Road, Ludhiana-141012)
2. Supinder Singh son of Sh. Gurbachan Singh age 51 years working as Superintendent o/o Land Customs Station, Rail Cargo, Amritsar-143001 (r/o Flat No.7, 1st Floor, B-Block, Ranjeet Avenue, Amritsar-143001)
3. Gurpreet Singh son of Mohinder Singh (Retd.) age 50 years r/o 567, Sec.114, Ansal Golf Link, Mohali -140307
4. Jagtar Singh son of Gurmail Singh age 57 years working as Superintendent o/o CGST Division-I, Mohali, 2nd Floor, D-190, Phase-8-B, Airport Road Mohali-160071 (r/o House No. C-1/502, Kendriya Vihar-I, Sec.125, Mohali-160055)
5. Harjit Singh son of Babu Singh age 52 years working as Superintendent o/o CGST Division, H.No.555/3, 1st floor, G.T.Road, Near Malerkotla chowk, Above OBC Bank, Khanna-141401 (r/o House No.4118-C, Sec.37-C, Chandigarh, 160036)
6. Ashok Kumar son of Sain Dass age 52 years working as Superintendent o/o CGST Division-I, Jammu, OB-32, Rail Head Complex, Jammu-180004 (r/o H.No.22-B/D Green Belt, Gandhi Nagar, Jammu, 180004)
7. Monish DP Azad s/o Desh Prem Azad (Retd.) age 46 years r/o House No. 19, Sec.114, Ansal Golf Link, Mohali -140307.
8. Puran Chand Bhardwaj s/o Raja Ram (Retd.) age 63 years House No.952, Sec.41-A, Chandigarh-160039.

9. Rashed Ashraf Wani s/o Abdul Ahad Wani age 50 years working as Superintendent o/o Directorate of Revenue Intelligence, Srinagar Sub-Regional Unit, Cntaur Lake View Hotel, Chesma Shahi, P.O. Box No.878, GPO Srinagar-190001 (r/o Village Drugmulla, District Kupwara, J&K PIN:193222)
10. Palvinder Kumar s/o Ram Dhan age 53 years working as Superintendent o/o Review Branch, CGST Jammu, OB-32, Rail Head Complex, Jammu-180004 (r/o B-IX/720, Santokhpura, Jalandhar City-144001)
11. Jeetendra Yadav s/o Hari Singh Yadav age 51 years working as o/o CGST Sub-Commissionerate Mohali, C.R. Building, Sector-17-C, Chnadigarh-160017 (r/o 4119 (GF), Sector 37-C, Chandigarh-160036)
12. Goverdhan Dass s/o Atma Ram age 51 years working as Superintendent r/o CGST Commissionerate, Jammu, OB-32, Rail Head Complex, Jammu-180004 (r/o H.No.948, Sec.7, Urban Estate, Ambala City, 134003)
13. Gurdeep Lal s/o Kartar Chand age 51 years working as Superintendent r/o CGST DivisionTandon Complex, Above SBI Main Branch, Calibre Market, Rajpura-140401 (r/o 1093, Sec.51-B, Customs Society, Chandigarh-160047.
14. Madan Gopal s/o Jagdish Lal age 49 years working as Superintendent o/o Land Customs Station, Rail Cargo, Amritsar-143001 (r/o 11/200, Sarabha Nagar Extn., Pakhowal Road, Ludhiana-141013).
15. Jitender Bhardwaj s/o Tarsem Lal age 47 years working as Superintendent o/o Assistant Commissioner, CGST Division, Kapurthala, PIN- 144601 (r/o 125, village- Kangniwal, P.O- Hazara, Jalandhar, PIN 144025).
16. Yogesh Arora s/o S.P.Arora age 50 years working as Superintendent o/o CGST Range-V, Division Derrabassi II, 1st Floor, Raksha Business Centre, Zirakpur(Punjab)140604 (r/o House No 503, Phase 4, Mohali.160059).

All employees Group B

....Applicants

(Present: Mr. Pankaj Mohan Kansal, Advocate)

Versus

1. Union of India through the Secretary to Ministry of Finance, Nehru Place, New Delhi, Delhi 110019.
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.

(Present: Mr. Sanjay Goyal, Advocate)

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Respondents

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. MA No. 060/00883/2019 is allowed and the applicants are allowed to join together to file this single O.A.
2. Applicants, in the present O.A. are aggrieved against the order dated 25.09.2018 (Annexure A-1) whereby their claim for grant of Non Functional Grade (NFG) based upon judicial pronouncements has been rejected only on the plea that they were not a party to the proceedings before the Court in the relied upon cases.
2. Learned counsel submitted that the similarly placed persons approached this Tribunal for grant of NFG, as claimed in the present O.A., by filing O.A. No. 1044/2014 titled **Munish Kumar**

and Others Vs. Union of India and Others and 060/00018/2015 titled **Sanjeev Dhar and Others Vs. Union of India and Others**, which have been allowed while relying upon a judgment dated 06.09.2010, passed by the Hon'ble High Court of Madras in the case of **M. Subramanian Vs. Union of India & Others**, affirmed up to the Hon'ble Supreme Court. The orders passed in the aforementioned cases have also been upheld by the Hon'ble Punjab and Haryana High Court while dismissing the Writ Petition filed at the hands of the respondents. Learned counsel contended that despite various judicial pronouncements in favour of the applicants, their claim for grant of similar benefits, being similarly situated employees, has been rejected. He argued that the plea of the respondents for rejecting the claim of the applicants that they were not a party in the relied upon cases, is bad in law, in view of ratio laid down in the case of **Union of India and Another Vs. Lalita S. Rao and Others** 2001 SC 1792 wherein it has been held that a decision of Court of Law should be implemented for all similarly situated employees whether party or not. On the aforementioned pleas, learned counsel prayed that the impugned order be set aside.

3. Issue notice to the respondents.

4. At this stage, Mr. Sanjay Goyal, Sr. CGSC, appears and accepts notice on their behalf. He is not in a position to support the impugned order. He also could not cite any law contrary to what has been held in the indicated case holding that the similarly

placed employees should not be compelled to approach the Court of Law, for similar benefits.

5. In the wake of the above, no other option is left but to set aside the impugned order and direct the respondents to re-appreciate the claim of the applicants, in view of the law laid down in the relied upon cases. Ordered accordingly.

6. Upon such consideration, if the applicants are found similarly situated like the applicants in the relied upon cases, then the relevant benefits be granted to them, otherwise a reasoned and speaking order be passed on their claim, within a period of two months from the date of a copy of this order.

7. We expect from the respondents to also examine the cases of other similarly placed persons in the department to extend them the similar benefits, so that they need not approach the Court of law to seek similar benefits, as have already been granted to a specific category, otherwise this Court would be constrained to take coercive measures against the respondents for willful disobedience of the order of this Court.

8. 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.

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 22.05.2019

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