

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...  
**ORIGINAL APPLICATION NO.060/00086/2019**

**Chandigarh, this the 4<sup>th</sup> day of February, 2019**

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

...

1. Tarsem Kumar S/o Sh. Khajan Singh, aged 59 years, Superintendent (Audit) Central Excise & GST Commissionerate, Central Revenue Building, Sector 17, Chandigarh 0160017.
2. Hari Ram S/o Sh. Bhuri Singh, Deputy Office Superintendent (Retired), E-II, Central Excise & GST Commissionerate, Central Revenue Building, Sector 17, Chandigarh – 160017 resident of H. No. 2633, Sector 37-C, Chandigarh – 160020.

**Applicants**

**(Present: Mr. V.K. Sharma, Advocate)**

**Versus**

1. Union of India through the Secretary to Government of India, Ministry of Finance, Department of Revenue, New Delhi – 110011.
2. Central Board of Excise and Customs, Ministry of Finance, Department of Revenue, New Delhi through its Chairman – 110011.
3. The Commissioner, Central Excise Commissionerate, Chandigarh – I, Central Revenue Building, Sector 17, Chandigarh – 160017.

.....

**Respondents**

**(Present: Mr. Sanjay Goyal, Advocate)**

**ORDER (Oral)  
SANJEEV KAUSHIK, MEMBER (J)**

**MA No. 060/00194/2019**

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 Vs. Union of India & 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 and followed in O.A. No. 060/01554/2018 titled **Narender Kumar & Others Vs. Union of India & Others** decided on 24.12.2018. 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 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 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: 04.02.2019**

‘mw’