

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00232/2019

Chandigarh, this the 18th day of March, 2019

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

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1. Kulwant Rai Mann son of Late Sh. Inder Dass Age 57 years presently working as Superintendent in the office of Central Good and Service Tax (CGST) (Appeals) Commissionerate, Sector 17-C, Chandigarh – 160017 (resident of H. No. 770, Phase-4, SAS Nagar, Mohali, Distt. Mohali (Punjab) – 160059.
2. Sunil Kumar Bains son of Late sh. Mohan Lal Bains, age 52 years, presently working as Superintendent in the office of Central Good and Service Tax (CGST) (Appeals) Commissionerate, Sector 17-C, Chandigarh – 160017 (Resident of G-102, Valcon View Apartments, Airport Road, Sector 66-A, Mohali – 160062.
3. Dharmender Singh Negi son of Late Sh. P.S. Negi age 51 years presently working as Superintendent in the office of Commissionerate, Sectore 17-C, Chandigarh – 160017 (resident of H. No. 4119/C, Sector 37-C, Chandigarh.
4. Daljeet Kaur daughter of late S. Gurmej Singh age 55 years presently working as Superintendent in the office of Central Good and Service Tax (CGST) (Appeals) Commissionerate, Sector 17-C, Chandigarh – 160017 (resident of H. M. 1102, Housing Board Colony, C-Block, Ranjit Avenue, Amritsar – 143001.
5. V.S. Sekhon son of B.S. Sekhon age 54 years presently working as Superintendent in the office of CGST Audit Circle, Shimla Central Revenue Building, Sec 17-C, Chd- 160017 (Resident of H. No. 348, Sector 71, Mohali – 160071)
6. P.J. Singh son of Late Sh. Ram Singh, age 58 years, presently working as Superintendent in the office of CGST Division-II, Central Goods and Service Tax, Commissioenrate, Chandigarh Central Revenue Building, Sector 17-C, Chandigarh – 160017 (Resident of H. No. 2064, Sector 69, Mohali – 160062.
7. Vijay Sehra son of Sh. D.C. Sehra, age 56 years presently working as Superintendent in the office of CGST Division-II, Central Goods and Service Tax, Commissionerate, Chandigarh, Central Revenue Building, Sec 17-C, CHD- 160017 (Resident of H. No. 876, Sector 7, Panchkula – 134109.)
8. Sanjeev Kumar Kamboj son of Sh. Ishwar Dayal Kamboj, age 46 years presently working as Superintendent in the office of CPC, CGST Chandigarh Zone, Chandigarh, Central Revenue Building, Sec 17-C CHD- 160017 (Resident of H. No. 186, M.S. Enclave, Dhakoli, Zirakpur, Punjab – 160104.

9. Balbir Singh son of Late Sh. Kehar Singh age 53 years presently working as Superintendent in the office of CPC, CGST Chandigarh Zone, Chandigarh, Central Revenue Building, Sec- 17-C, CHD-160017 (Resident of H. No. 2321, 1st Floor, Sec 71, Mohali – 160059.
10. Munish Kumar Jassal son of Sh. Ram krishan Jassal age 45 years presently working as Superintendent in the office of CPC, CGST Chandigarh Zone, Chandigarh, Central Revenue Building, Sec 17-C, CHD-160017 (Resident of H. No. 4119/A, Customs & Central Excise colony, Sec 37-C, CHD – 160036.
11. Ravi Kant son of Sh. Diwan Chand age 49 years presently working as Superintendent in the office of CPC, CGST Zone, Chandigarh Zone, Chandigarh, Central Revenue Building, Sec 17-C, Chandigarh, Central Revenue Building, Sec 17-C, CHD-160017 (Resident of H. No. 739/16, M.K. Road, Khanna, Punjab – 141401.
12. Sandeep Kumar son of Late Sh. Parkash age 53 years working as Superintendent in the office of CGST Range Nalagarh, 47-51, Fauji Complex, Sai Road, Baddi – 173205 (Resident of H. No. 1241 Phase 3 B II MOhali – 160059.

....Applicants

(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.

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Respondents

(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. MA NO. 060/00436/2019 is allowed and the applicants are allowed to join together to file this single O.A.

2. 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.

3. 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.

4. Issue notice to the respondents.

5. 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.

6. 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 NFSG 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.

7. 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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