

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.**

ORIGINAL APPLICATION NO. 314 OF 2010

Date Of Decision:- 8th January, 2019.

***CORAM: HON'BLE SHRI. R. VIJAYKUMAR, MEMBER (A).
HON'BLE SHRI. R. N. SINGH, MEMBER (J).***

Shri. N.P. Ranjan

Superintendent of Service Tax,
Divn. IV, Mahavir Jain Vidyala
Juhu Lane, Andheri (West),
Mumbai 400053.

R/a:- 301, Padma Prabh,
Plot No.157, Bangur Nagar,
Goragaon (W) Mumbai 400090.

....Applicant

(Applicant by Advocate Shri. Ramesh Ramamurthy)

Versus

1. Union of India

Through: Secretary to the Government of India,
Ministry of Finance,
(Department of Revenue), South Block, New Delhi 110001.

2. The commissioner of Central Excise: Mumbai-I

New Central Excise Building,
115, M.K. Road, Opp. Churchgate Station,
Mumbai 400020.

3. The Commissioner of Service Tax: Mumbai

New Central Excise Building,
115, M.K. Road, Opp. Churchgate Station,
Mumbai 400001.

4. The Assistant Commissioner of Service Tax

Division VI, Mumbai,
1st floor, Mahavir Jain Vidyalaya,
Juhu Lane, Andheri (W),
Mumbai 400 053.

....Respondents

(Respondents by Advocates Shri. V.S. Masurkar and Shri. N.K. Rajpurohit)

ORDER (ORAL)**Per: R. Vijaykumar, Member (A)**

1. This application was filed on 12.04.2010 under Section 19 of the Administrative Tribunals Act 1985 seeking the following reliefs:-

“8(a). That this Hon'ble Tribunal be pleased to call for the records and proceedings relating to the orders dated 04.08.2009 forwarded with memo dated 16.09.2009 impugned herein above and after ascertaining the propriety and legality thereof quash and set them aside with all consequential benefits;

(b) That this Hon'ble Tribunal be pleased to direct the respondents to grant him first financial upgradation with effect from 09.08.1999 and grant him arrears of pay and allowances for the period from 09.08.1999 to 26.07.2006 with interest @ 21% p.e., in pursuance thereof;

(c) Such other orders as may be deemed necessary in the facts and circumstances of the case.

(d) Cost of the application be provided for.”

2. It is admitted by the learned counsels for the parties that the facts of this case are identical with the facts of the case of the applicant in OA No.237/2010 of Shri. Sanjay H. Pandit.

V/s. Union of India & Ors. decided on 08.03.2013 and they had been subjected to the common impugned order in the disciplinary proceedings and effected similarly by denial of grant of first ACP when it became due and their cases were considered first in the Screening Committee held on 06.12.1999 and in subsequent meetings of the Committee. The present applicant had also been awarded censure on 26.07.2006 and first ACP was granted on 07.02.2007. Meanwhile, the suspension period was regulated as 'Spent on Duty' and he was paid in full for this period.

3. This Tribunal considered the arguments of the parties at length in its orders of OA No.237/2010 and those orders are squarely applicable to the present case. The applicant in that case has filed a Writ Petition No.1518/2014 in the Hon'ble High Court which was admitted on 15.11.2014 and is under consideration. However, it is an admitted fact that there is no stay against the order dated 08.03.2013 of this Tribunal in the aforesaid OA No.237/2010. We have considered the arguments of the learned counsel for applicant. He submits that this Tribunal has not considered, in its orders dated 08.03.2013, the orders in **OA No.38/2012 of Shri. Arvind G. Kulkarni V/s. Union of India & Anr. dated 20.11.2012.** However, we find that this has also been considered by this Tribunal while passing the orders dated

08.03.2013 in Para 5 of the OA No.237/2010.

4. In view of the aforesaid discussion, we find no merit in this OA and accordingly this OA is dismissed without any order as to costs.

(R.N. Singh)
Member (J)

(R. Vijaykumar)
Member (A)

srp