

**Central Administrative Tribunal  
Principal Bench**

**OA No. 1589/2019**

New Delhi, this the 21<sup>st</sup> day of May, 2019

**Hon'ble Mr. R. N. Singh, Member (J)**

C. M. Mehra, aged 69 years,  
S/o Shri Amrit Lal Mehra,  
R/o H. No. 71, Uday Park,  
New Delhi – 110049.

(Retired as Chief Commissioner, Customs & Central  
Excise)

...Applicant

(By Advocate: Mr. K. L. Manhas)

Vs.

1. Union of India through the Secretary,  
Ministry of Finance, Deptt. of Revenue,  
North Block, Central Secretariat,  
New Delhi – 110001.
2. Chairman,  
Central Board of Indirect Taxes & Customs,  
Ministry of Finance, Deptt. of Revenue,  
North Block, Central Secretariat,  
New Delhi – 110001.
3. The Secretary to the Govt. of India,  
Ministry of Personnel, Public Grievances &  
Pensions,  
Lok Nayak Bhawan, Khan Market,  
New Delhi – 110003.
4. The Secretary,  
Department of Personnel & Training,  
Central Secretariat,  
North Block, New Delhi – 110001.

...Respondents

(By Advocate: Mr. Hilal Haider)

### **ORDER (ORAL)**

#### **R. N. Singh, Member (J):-**

The applicant an Indian Revenue Service, who has retired as Chief Commissioner, Customs and Central Excise on 28.02.2010 has approached this Tribunal by way of aforesaid O.A. seeking the following reliefs:-

*"(a) To direct the respondents to revise the pension of the applicant on the basis of the upgraded Pay Scale HAG+ Rs. 75,000-80,000 of the post of CC,C&CE w.e.f. 18.12.2013 upto 31.12.2015 and on the basis of revised HAG+ Pay Scale Rs. 2,05,400-2,24,4000 (level 16 of the pay matrix) of the said post w.e.f. 01.01.2016 as has been done in the cases of the applicant's similarly placed IRS colleague who have retired after his retirement as well as ordered in the case of applicant's retired IRS colleague, Shri S. Bapu by the Hon'ble CAT Chennai Bench and the Hon'ble High Court of Madras vide their respective orders dated 21.04.2016 and 11.02.2019 (Annexure A2 colly).*

*(b) To direct respondent no. 2 to pay the consequential arrears of pension alongwith the interest @ 18% per annum within a month to the applicant.*

*(C) To pass any other order/direction(s) as deemit fit in the circumstances of the case.*

*(d) To award the cost of this litigation to the applicant"*

2. Learned counsel for the applicant submits that the claim of the applicant is squarely covered by the

Judgment dated 21.04.2016 of the Madras Bench of this Tribunal in O.A. No. 310/00095/2015 titled **S. Bapu v/s Union of India & Ors.** and the aforesaid judgment has been affirmed by Hon'ble High Court of Judicature at Madras vide order/judgment dated 11.02.2019 in W. P. NO. 7909 of 2017 (Annexure - A2 Colly).

3. Learned counsel for the applicant submits that the applicant is similarly placed as the applicant in **S. Bapu v/s Union of India & Ors.** (supra) and it was incumbent upon the respondents to extend the benefit of Judgment of **S. Bapu v/s Union of India & Ors.** (supra) to the applicant as well. However, the respondents have not extended the benefit of the aforesaid judgment to the applicant in spite of his representation dated 12.04.2019 till date. He further adds that the aforesaid representation dated 12.04.2019 of the applicant is still pending consideration of the respondents.

4. Issue notice to the respondents. Mr. Hilal Haider, learned counsel, accepts notice on behalf of the respondents.

5. Learned counsel for the applicant submits that the applicant shall be satisfied if the O.A. is disposed of at this stage with directions to the respondents to consider the aforesaid representation dated 12.04.2019 of the applicant and dispose of the same by passing speaking and reasoned order in time bound manner. To such request, there is no objection from the learned counsel for the respondents.

6. In view of the aforesaid without going into the merits, the O.A. is disposed of with directions to the Respondent No. 1 and 2 to consider the aforesaid representation dated 12.04.2019 of the applicant (Annexure A-5) and dispose of the same by passing a reasoned and speaking order within ten weeks of receipt of certified copy of this order. There shall be no order as to costs.

**(R. N. Singh)**  
**Member(J)**

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