

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 415/2019
M.A. No. 494/2019

The 5th day of February, 2019

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. ARADHANA JOHRI, MEMBER (A)**

1. Annirudh Panda,
Aged 52 years, Group B,
S/o Shri K.C. Panda,
Working as Superintendent,
Custom Preventive Commissionerate,
New Custom House, New Delhi
R/o 842, Green Heaven,
Plot No.35, Sector-4, Dwarka,
New Delhi.
2. Arun Kumar Sheoran,
Aged 50 years, Group B,
S/o Shri K.S. Sheoran,
Working as Superintendent,
Custom Preventive Commissionerate,
New Custom House, New Delhi
R/o 11G, Shivalika Apartment,
Plot No.16, Sector-9, Dwarka,
New Delhi-110077.
3. Manoj Verma,
Aged 48 years, Group B,
S/o Shri Bihari Prasad,
Working as Superintendent,
Custom Preventive Commissionerate,
New Custom House, New Delhi
R/o F-5, Kaka Nagar, New Delhi-110003.
4. Y.S. Malik,
Aged 53 years, Group B,
S/o Late Shri Mahavir Singh Malik,
Working as Superintendent,
Custom Preventive Commissionerate,
New Custom House, New Delhi
R/o Delhi State Apartment, Plot No.1,
Sector-19, Dwarka, New Delhi-110075.

5. Rajeev Kumar,
Aged 49 years, Group B,
S/o Shri Balvir Singh,
Working as Superintendent,
Custom Preventive Commissionerate,
New Custom House, New Delhi
R/o B-304, True Friends Apartments,
Plot No.29, Sector-6, Dwarka, New Delhi-110075.
6. Badri Narayan Meena,
Aged 52 years, Group B,
S/o Shri Chhaju Ram Meena,
Working as Superintendent,
Custom Preventive Commissionerate,
New Custom House, New Delhi
R/o 601, Metro View Apartment,
Sector-13, Dwarka, New Delhi.
7. C.M.P. Sinha,
Aged 50 years, Group B,
S/o Shri M.P. Sinha,
Working as Superintendent,
Custom Preventive Commissionerate,
New Custom House, New Delhi
R/o 24, JDM Apartment, Plot-11,
Sector-5, Dwarka, New Delhi-110075.
8. B.K. Singh,
Aged 49 years, Group B,
S/o Shri Nawal Kishore Prasad Singh,
Working as Superintendent,
Custom Preventive Commissionerate,
New Custom House, New Delhi
R/o Flat No.471, Sector-9, Pocket-2,
Dwarka, New Delhi-110077.
9. Tanoj Yadav,
Aged 47 years, Group B,
S/o Shri Ranbir Singh Yadav,
Working as Superintendent,
Custom Preventive Commissionerate,
New Custom House, New Delhi
R/o G-125, Govt. Flats, Nanakpura,
New Delhi-110021.

10. Niraj Gupta,
Aged 46 years, Group B,
S/o Shri Rajendra Prasad Gupta,
Working as Superintendent,
Custom Preventive Commissionerate,
New Custom House, New Delhi
R/o 42, 1st Floor, Mausam Vihar,
Delhi-110051.
11. Pankaj Sahay,
Aged 50 years, Group B,
S/o Shri Narendra Sahay,
Working as Superintendent,
Custom Preventive Commissionerate,
New Custom House, New Delhi
R/o F-7, Customs Flats,
Kaka Nagar, New Delhi-110003.
12. Nishith Bhatnagar,
Aged 50 years, Group B,
S/o Shri Prithvi Nath Bhatnagar,
Working as Superintendent,
Custom Preventive Commissionerate,
New Custom House, New Delhi
R/o 7/55, 1st Floor, South Patel Nagar,
New Delhi-110008.
13. Sanjeet Singh Khatri,
Aged 52 years, Group B,
S/o Shri Ram Sarup Khatri,
Working as Superintendent,
Custom Preventive Commissionerate,
New Custom House, New Delhi
R/o House No.1, Government Veterinary Hospital,
Kadipur, Pataudi Road, Gurugram-12001.
14. Adarsh Shrivastava,
Aged 48 years, Group B,
S/o Shri S.P. Shrivastava,
Working as Superintendent,
Custom Preventive Commissionerate,
New Custom House, New Delhi
R/o 354, Abhinay Apartments,
Vasundhara Enclave, Delhi-110096.

15. Mukesh Gaur,
 Aged 50 years, Group B,
 S/o Shri Om Prakash Gaur,
 Working as Superintendent,
 Custom Preventive Commissionerate,
 New Custom House, New Delhi
 R/o 739, Sector-30, Faridabad.

16. Umed Singh Rawat,
 Aged 58 years, Group B,
 S/o Late Shri Man Singh Rawat,
 Working as Superintendent,
 Custom Preventive Commissionerate,
 New Custom House, New Delhi
 R/o Flat No.797, TYP IV,
 Laxmi Bai Nagar, New Delhi. .. Applicants

(By Advocate: Shri Padma Kumar S.)

Versus

Union of India

1. The Revenue Secretary,
 Government of India,
 Ministry of Finance,
 Department of Revenue,
 North Block, New Delhi-110001.

2. The Chairman,
 Central Board of Indirect Taxes & Customs,
 Ministry of Finance,
 North Block, New Delhi-01.

3. The Chief Commissioner of GST & Central Excise,
 Delhi Zone (Cadre Control),
 C.R. Building, I.P. Estate,
 New Delhi-110002.

4. The Principal Commissioner,
 Delhi North GST & Central Excise,
 Delhi GST & CX Zone,
 C.R. Building, I.P. Estate,
 New Delhi-110002. .. Respondents

(By Advocate : Shri Subodh Kaushik for Shri V.S.R. Krishna)

ORDER (ORAL)**By Shri V. Ajay Kumar, Member (J)**

Heard Shri Padma Kumar S., learned counsel for the applicants and Shri Subodh Kaushik representing Shri V.S.R. Krishna, learned counsel appeared on behalf of the respondents on receipt of advance notice.

2. MA 494/2019 filed for joining together is allowed.
3. The applicants, who are presently working as Superintendents under the respondents, filed the O.A. seeking the following relief(s):
 - (a) to declare the action of the respondents in not granting the Grade Pay of Rs.5400 to applicants on completion of 4 years of service in Grade Pay of Rs.4800 as illegal and unjustified.
 - (b) to direct the respondents to grant Grade Pay of Rs.5400 in PB-2 from the date of completion of 4 years of service in Grade Pay of Rs.4800 with all arrears of pay within a week of the order.
 - (c) to direct the respondents to give Grade Pay of Rs.5400 with arrears of pay and 12% from due date.
 - (d) pass any further orders as this Hon'ble Tribunal may deemed fit and proper in the facts and circumstances of the case."

4. It is submitted that the applicants are identically placed like the applicants in W.P. No.13225/2010 dated 06.09.2010 in M. Subramaniam vs. Union of India & Ors. of the Hon'ble High Court of Madras, which was upheld by the Hon'ble Apex Court in Civil Appeal No.8883/2011 dated 10.10.2017 and also the applicants in O.A. No.1982/2018 dated 29.05.2018 in Rajneesh Gupta & Ors. vs.

Union of India & Ors. of the Principal Bench of this Tribunal and though the applicants made Annexure A-7 (Colly.) representations seeking extension of the same benefit to them also, the respondents have not passed any orders thereon till date.

5. In the circumstances, the O.A. is disposed of at the admission stage itself, without going into the merits of the case, by directing the respondents to consider the Annexure A-7 (Colly.) representations of the applicants and to pass appropriate reasoned and speaking orders thereon, in accordance with law, within a period of 90 days from the date of receipt of a certified copy of this order. No order as to costs.

Let a copy of the O.A. be enclosed to this order.

(ARADHANA JOHRI)
Member (A)

(V. AJAY KUMAR)
Member (J)

/Jyoti /