

**Central Administrative Tribunal  
Principal Bench, New Delhi**

**OA No. 1810/2019  
MA No. 1980/2019**

**This the 31<sup>st</sup> day of May, 2019**

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

1. Mrs. Neeti Sharma, Group B  
DOB, 22.10.1967  
W/o Shri Manish Sharma  
Working as Superintendant  
C.G.S.T. Audit Commissionerate, Gurgaon  
R/o 169, Vijay Rattan Vihar  
Sector 15, Part 2, Gurugram-1.
2. Ms. Meenakshi, Group B  
DOB: 24.10.1969  
D/o Shri Satpal Aggarwal  
Working as Superintendant  
Appeal Unit, Commissioner of Customs Office  
New Custom House, Ballard Estate  
Mumbai.  
R/o 1235, Sector-9, Urban Estate,  
Gurugram-122001
3. Ms. Anuj Gulia, Group B  
DOB: 17.10.1971  
D/o Late Sh. R.S. Gulia  
Working as Superintendent  
Delhi Zonal Unit, DUCI,  
R.K. Puram, New Delhi.  
R/o L-4, Uttam Nagar, New Delhi-110059.
4. Mukesh Kumar, Group B  
DOB: 30.09.1970  
S/o Ram Ratan Kunwar  
Working as Superintendent  
ACC Imp Review Branch

New Delhi.

R/o 6D, Pkt-B, SFS, Mayur Vihar, Ph-3,  
Delhi-110096

5. Yashpal Aswal, Group B

DOB: 07.10.1970

S/o Mr. M.S. Aswal

Working as Superintendent

CGST Darka Panchkula

R/o 4390/B-546, Vasantkunj

New Delhi-110078.

6. Rajesh Kumar Choudhary, Group B

DOB: 14.10.1960

S/o Late Kameshwar Narain Choudhary

Working as Superintendent

CGST, Delhi West, Bhikaji Cama Place

New Delhi

R/o Plot No. 28, First Floor, Sector 5,

Vaishali, Ghaziabad (U.P.)-201010.

7. Syed Hamid Iqbal, Group B

DOB: 30.12.1970

S/o Late Syed Israr Ahmad

Working as Superintendent

Central Excise & Customs, Delhi

R/o F-19, Custom Flat, Kaka Nagar

New Delhi – 110003.

8. Gajendra, Group B

DOB: 30.3.1971

S/o Late Kripanad Thakur

Working as Superintendent

Central Excise & Customs, Delhi.

R/o 389, Pocket-C, Sector-A,

Vasantkunj, Delhi-110070.

9. Sameer Sehgal, Group B

DOB: 08.09.1964

S/o Dr. S.P. Sehgal

Working as Superintendent

Audit I Commissionerate, Delhi

R/o C-6, Rajouri Garden,  
New Delhi.

10. Sanjay Kumar Singh, Group B  
DOB: 03.11.1970  
S/o Sanjay Kumar Singh  
Working as Superintendent  
R/o FA-109, 3<sup>rd</sup> Floor, Inderpuri  
New Delhi-110012
11. Rajesh Kumar Arora, Group B  
DOB: 03.01.1970  
S/o Sh. Harbhajan Lal Arora,  
Working as Superintendent  
Office of Pr. Commissioner  
Central Board of Indirect Taxes and Customs  
New Delhi.  
R/o 33-B, Pocket-C, Siddharth Extn.  
New Delhi-19
12. Jitendra Kumar Yadav, Group B  
DOB: 17.11.1968  
S/o Sh. Bhawani Singh Yadav  
Working as Superintendent  
CBIC Media Centre, Commission  
Coordination, CBIC<Board's Office,  
North Block  
R/o R-804, Sispal Vihar,  
AWHO Colony, Sector 49  
Gurgaon.
13. Radhe Shyam Mishra, Group B  
DOB: 05.01.1969  
S/o Shri Ranendra Mishra  
Superintendent, CGST, Delhi Zone  
GST Andra, Group-4C, Gurugram  
R/o House No. 2562, Sector-46,  
Gurugram.
14. Rajiv Chhikara, Group B  
DOB: 04.03.1972  
S/o Medhavrat Shastri

Working as Superintendent  
CGST Audit, Gurugram  
R/o 2B/93, Willington Estate,  
DLF Phase-5, Sector-53  
Gurugram.

15. T.K. Sriram, Group B  
DOB: 06.11.1996  
S/o Shri S. Krishnan  
Working as Superintendent  
GST (Audit) Gurugram,  
No. 24 Mudit Square, Sector 32,  
Gurugram.  
R/o C4A 141 CARLTON ESTATE,  
DLF PHAE V, GURGAON 122009
16. Rajesh Kumar Tiwari, Group B  
DOB: 01.03.1967  
S/o Dinkar Prasad Tiwari  
Working as Superintendent  
DCGI, Gurugram Zonal Unit.  
R/o 69, Parkview Apartment,  
Sector 12, Plot No. 16, Dwarka  
New Delhi.
17. Rajeev Kumar, Group B  
DOB: 01.10.1969, S/o Late Sh. K.M. Sharma  
Working as Superintendent  
DGCI, Gurugram, Zonal Unit  
R/o A 703, Royal Tower  
Sector 61, Noida.
18. Sanjay M. Dandriyal, Group B  
DOB: 18.06.1963  
S/o Late Sh. V. D. Dandriyal  
Working as Superintendent  
CGST Audit-I Commissionerate,  
C.R. building, New Delhi  
R/o . A-5, Milan Apartments, West Enclave  
Pitampura, Delhi-110034

19. Pankaj Negi, Group B  
DOB: 30.05.1968  
S/o Late S.C.S. Negi  
Working as Superintendent  
CGST Audit-I Commissionerate,  
C.R. Building, New Delhi  
R/ F-11, Kaka Nagar, New Delhi-110003
20. Ravinder Singh Sangwan, Group B  
DOB 10.03.1970  
S/o Late Sh. Dhoop Singh Sangwan  
Working as Superintendent  
DGSTI (HQ), Delhi  
R/o B-9, INA Colony, New Delhi-110023.
21. Arjun Chandra Mehrishi, Group B  
DOB: 08.05.1968  
S/o Sh. Yatish Chandra,  
Working as Superintendent DGSTI (HQ)  
Delhi.  
R/o L2, 121-A, DDA Flats, Kalkaji,  
New Delhi-110019
22. BINOD BHAI, Group B  
DOB: 28.07.1968  
S/o Sh. Ram Chandra Singh,  
Working as Superintendent,  
Audit Cell,  
CGST West Commissionerate,  
Bhikaji Cama Place, New Delhi.  
R/o: Flat No. 610, Hindon Heights Apartment,  
Sector-4, Vaishali, Ghaziabad
23. Ajay Kumar, Group B  
DOB: 25.09.1968  
S/o Late Sh. Jag Lal Yadav  
Working as Superintendent  
IGI Airport, New Delhi  
R/o: Flat No. S-2, Plot No. 86, Shakti Khand-2,  
Indirapuram, Ghaziabad, UP-201014
24. Kamlendu Shekhar Choudhary, Group B

DOB: 04.09.1968  
S/o Late Sh. Bhagwati Prasad Choudhary,  
Working as Superintendent  
CGST Audit –II Commissionerate,  
Bhikaji Cama Place, New Delhi  
R/o: Mangalam Apartment M-7 S-10  
Abhaykhand-3  
Indirapuram Ghaziabad 201014

25. Manoj Kumar Mishra, Group B  
DOB: 10.01.1970  
S/o Sh. Lakshmi Kant Mishra  
Working as Superintendent  
CGST Audit-I Commissionerate  
C.R. Building, New Delhi  
R/o-Flat No. G1, plot no. 7,  
Sector 2A, Vaishali, Ghaziabad-201010
26. Kundan Kumar, Group B  
DOB: 15.02.1971  
S/o Shanti Kumar  
Working as Superintendent  
CGST Audit-II Commissionerate,  
Bhikaji Cama Place, New Delhi  
R/o 112, Sector-23, Plot No. 2, New Millennium  
Apartment, Dwarka, New Delhi-110077
27. Amar Kumar Karira, Group B  
DOB: 25.01.1968  
S/o Late Sh. Vishan Das Karira  
Working as Superintendent  
DG (Systems), New Delhi  
R/o : 82, Shivalik Apartment, 105  
I.P. Extension, Patparganj, Delhi-110092.
28. Sanyog Ahlawat, Group B  
DOB: 03.08.1972  
S/o Sh. B.S. Ahlawat  
Working as Superintendent  
CGST Appeal –II Commissionerate  
Bhikaji Cama Place, New Delhi  
R/o SG-137, Shastri Nagar, Ghaziabad-201002

29. Nagendra Kumar Jha, Group B  
DOB: 28.02.1970  
S/o Shri Pradyuman Kumar Jha  
Working as Superintendent  
Customs Preventive, New Customs House  
Near IGI Airport, New Delhi  
R/o D-1/1114 Vasant Kunj  
New Delhi-110070

... Applicants

(By Advocate: Sh. Padma Kr. S.)

### **VERSUS**

1. Union of India, through  
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: Sh. R.K. Jain)

**ORDER (ORAL)**

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

Heard both the parties.

By way of their present OA, the applicants, 29 in numbers, have sought permission to file their aforesaid OAs jointly. Learned counsel for the applicants submits that the applicants have similar grievance in the OA.

2. By way of the present OA, the applicants have prayed for the following reliefs:-

*“(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.”*

3. Learned counsel for the applicant submits that one **M. Subramaniam** who was identically placed as the present applicant approach the Madras Bench of this Tribunal for similar relief, by way of OA No.



167/2009 which was dismissed by the Tribunal and aggrieved by such dismissal, he approached the Hon'ble High Court of judicature of Madras in W.P. 13225/2010 and Hon'ble High Court has allowed the Writ Petition vide order/judgement dated 19.10.2010 (Annexure A-3), the operative portion of which reads as under:-

*“9. Accordingly, the Writ Petition is allowed setting aside the order of the Tribunal, dated 19.4.2010 passed in O.A. No. 167 of 2009. The respondents are directed to extend the benefit of grade pay of Rs. 5400/- to the petitioner from 1.1.2003 as per the resolution dated 29.8.2010. No costs.”*

The said order/judgement dated 19.10.2010 of Hon'ble High Court was further challenged by the respondents before the Hon'ble Apex Court in Civil Appeal No. 8883/2011, which was dismissed by the Hon'ble Apex Court vide order/judgement dated 10.10.2017 (Annexure-A-4) and the Review Petition (Civil) No. 2512 of 2018 was also dismissed by the Hon'ble Apex Court vide order/judgement dated 23.08.2018 (Annexure-A-5).

4. Learned counsel for applicants submits that the applicants have made individual representation

[Annexure –A-6 (colly)] before the respondents for extending the benefits of the judgement of Hon'ble High Court in **Mr. Subramaniam (supra)**. However, the same is still pending. The learned counsel for the applicants further submits that the respondents are extending the benefits of judgement of **M. Subramaniam (supra)** only to such similar person who approaches the Tribunal/Tribunals or Court/Courts and not at their own, therefore, the present OA.

5. Issue notice. Mr. R.K. Jain, learned counsel for respondents appears on advance service. For the reasons explained in MA and no objection from the learned counsel for the respondents, MA No. 1980/2019 for joining together is allowed.

6. Learned counsel for applicants further submits that in identical facts and circumstances this tribunal has disposed of OA 415/2019 dated 05.02.2019 (A-7) with the operative portion of the order reads as under:

*“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."*

7. In view of the facts and circumstances, the present OA is also disposed of at the admission stage itself without going into the merits of the case by directing the Respondent No. 3 to consider the aforesaid pending representation of the applicants [Annexure -A-6 (colly)] and to pass reasoned and speaking order thereon in accordance with law within a period of 90 days from the date of receipt of certified copy of this order. No costs.

**(Mohd. Jamshed)**  
**Member (A)**

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

/akshaya/