

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD**

O.A. No. 414/2019 with MA Nos.430 & 431 of 2019

This the 19th day of November, 2019

- 1) P.D. Makwana,
Son of Dahyabhai K. Makwana,
Aged 59 years,
Working as Administrative Officer Gr.II,
Residing at: 634, Khasipura,
Outside Raipur Gate,
Ahmedabad – 380 022.
- 2) Pravin M. Solanki,
Son of Mohan Lal. Solanki,
Aged 51 years,
Working as Administrative Officer Gr.II,
Residing at: A-8, Chandanpark,
Chandkheda, Ahmedabad – 382 424.
- 3) Alpesh K. Parikh,
Son of Kanubhai Parikh,
Aged 51 years,
Working as Administrative Officer Gr.III,
Residing at: 9, Dilipnagar Society,
Nr. Daxini Society, Maniknagar,
Ahmedabad – 380 008.
- 4) Harjivan L. Solanki,
Son of Lakhabhai Solanki,
Aged 59 years,
Working as Administrative Officer Gr.III,
Residing at: 113, Hiralal ni Chali,
Outside Raipur Gate, Kankaria Road,
Ahmedabad – 380 022.
- 5) Ratna N. Khanchandani,
Wife of Naresh Khanchandani,
Aged 58 years,
Working as Administrative Officer Gr.III,
Residing at: D-102, Karmacharinagar,
Ahmedabad – 380 022.
- 6) Shilkumar M. Bajaj,
Son of M. A. Bajaj,
Aged 59 years,
Working as Administrative Officer Gr.III,
Residing at: B-7, Sterling Flat,

CAT, Ahmedabad Bench

B/h Gurudwara, S.G.Highway,
Thjaltej, Ahmedabad – 380 051.

- 7) Beauty B. Mazumdar,
Daughter of Bijaykumar Biswas,
Aged 58 years,
Working as Administrative Officer Gr.III,
Residing at: 16/C, Devtirth Bungalows,
Sona Cross Road, New C.G.Road,
Chandkheda, Ahmedabad – 382 424.Applicants

(By Advocate : Shri Joy Mathew)

Versus

- 1) Union of India,
Notice to be served through
the Secretary,
Department of Revenue,
North Block,
New Delhi – 110 001.
- 2) The Central Board of Direct Taxes,
Notice to be served through its
Chairman, CBDT, 5th floor,
Jeevan Vihar Building,
3, Parliament Street,
New Delhi – 110 001.
- 3) The Principal Chief Commissioner of Income Tax,
Room No.206, 2nd floor,
Aayakar Bhavan, Ashram Road,
Ahmedabad – 380 009.
- 4) Shri Digant Indravadan Dave,
Inspector,
O/o Additional CIT,
1st Floor, Navjeevan Trust Building,
B/h Gujarat Vidyapith,
Ashram Road, Ahmedabad – 380 009.
- 5) Ms. Hitaben Rajendra Joshi,
1/11, Angan Apartment,
Nr. Gokul Row House,
Shyamal Char Rasta,
Satellite, Ahmedabad – 380 015.
- 6) Ms. Keshar J. Sengal,
AO G.II,
B-1, Jyoti Apartment,
Opp. Shyamal Row House,
House No.2, Satellite Road,
Ahmedabad – 380 015.

CAT, Ahmedabad Bench

- 7) Ms. Pallavi Gaurang Acharya,
B-404, Sanskar Apartments,
B/h Shelby Hospital,
Opp. Hiraba Farm,
Opp. Karnawati Club,
Prahladnagar, Ahmedabad – 380 015.
- 8) Ms. Jayshree Y. Vadiwala,
AO & DDO
O/o the Additional CIT,
RG 4 (1) & ASK,
Room No.304, 3rd Floor,
Pratyaksh Kar Bhavan,
Nr. Panjarapole, Ambavadi,
Ahmedabad – 380 015.
- 9) Ms. Jolly K. Mehta,
O/o the Pr. CCIT Gujarat,
DCIT, Annexe Building,
Aaykar Bhavan,
Ashram Road,
Ahmedabad – 380 009. ... Respondents

ORDER (ORAL)

Per : Hon'ble Shri M.C.Verma, Judicial Member

The OA, with two MAs namely MA No.430/2019, for seeking permission to file common OA, and MA No.431/2019 for condonation of delay has been filed by seven applicants and is at motion stage hearing. In MA No.430/2019, it has been pleaded that all the applicants have common cause and the nature of relief prayed in the OA also reveals that they have common interest in the matter and in pleadings of MA No.431/2019 they have mentioned the reason why they could not agitate the matter earlier. In OA, applicants have assailed the alleged failure of the respondent in implementing the judgment dated 09.12.2014

passed by the Hon'ble Supreme Court in Civil Appeal No.10862/2014 and consequential direction issued by the Central Board of Direct Taxes from time to time. Applicants were not the party in aforesaid Civil Appeal and according to them they are situating on similar footing as were the Original applicants of OA, to which said judgment passed in the Civil Appeal relates and that ramification of the judgment would enhanced their pay also. The prayer as has been made in the OA reads as under :

“(A) directing the respondents to implement the judgment passed by the Hon’ble Supreme Court of India on 09.12.2014 in Civil Appeal No.10862/2014 and other allied matters.

(B) directing the respondents to re-fix the pay of the respondents No.4 to 9 in the pay scale of Rs.1150-1500 instead of Rs.1350-2200;

(C) as a consequence of the implementations of the judgment passed by the Hon’ble Supreme Court of India in Civil Appeal No.10862/2014 and others allied matters, directing the respondents to re-fix the seniority of the applicants and grant them appropriate promotions with arrears of pay at 12% interest; and

(D) passed any other appropriate order.”

2. Learned counsel Shri Joy Mathew pressed the MAs as well OA and upon query whether before approaching this Tribunal the applicants had represented their case before Departmental Authority and learned counsel answered in negative. Having heard and taking note of entirety and in interest of justice, the OA is disposed of at this stage of motion hearing by giving liberty to the applicants that they, if so wish, may represent to the concerned Departmental Authority within fifteen days and it is

directed to the respondents that in case any applicant prefer the representation, within stipulated time from the date of this order and the respondents would have to take decision to dispose of the representations, by passing a speaking order within two months, from the date of receipt of said representation.

3. With the above direction the OA stands disposed of. Both MAs namely MA No.430 and 431 of 2019 are accordingly disposed of.

(M.C.Verma)
Member (J)

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