

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH  
HYDERABAD**

**OA/20/611/2019  
MA/21/507/2019**

**Dated: 03/07/2019**

Between

1. Komaravolu Sambrajyam,  
D/o Late Avula Anjaneyulu,  
Aged 57 Years Occ: Supdt of Central Tax,  
Guntur CGST Commissionerate.  
R/o Flat No. 203, 2nd Floor B block.  
Rishi valley Homes, Opp. Tobacco Board,  
Srinivasraopeta, GUNTUR - 522004
2. G.Tulasi Sree D/o.G.S.Bhaskararao  
Aged 52 years, Occ: Supdt of Central Tax,  
Eluru GST Divisional Office,  
R/o D.No.4-161, Behind Govt. I.T.I,  
Gowthami Nagar, Eluru.
3. S.Rajyalskshmi D/o. S.Venkateswarlu  
Aged 56 Years Occ: Supdt of Central Tax,  
Guntur CGST Division, R/o Flat No.B7 T4,  
Colours Park, Ankireddypalem Road,  
Nallapadu, Guntur - 522 005
4. Pendem Bhagya Rao S/o. Chinnappa  
Aged 58 years Occ: Supdt of C.Ex (Audit)  
Guntur Audit Circle, R/o D. No. 61-8/4-1/2,  
Kotinagar, Police Colony, Krishnalanka,  
Vijayawada.
5. Madduri Srinivasu S/o. M.Koteswararao  
Aged 54 years Occ: Supdt of C.Ex (Audit)  
Guntur Audit Circle, R/o No.301, Krishna Residency  
Ramavarappadu, Vijayawada.
6. K.Rajeswari Bai D/o. Late K.Balakishan Singh,  
Aged 56 Years Occ: Supdt of Central Tax,  
Guntur CGST Commissionerate Hqrs. Office,  
R/o D.No.1/93-R, Agathavarrappu Village,  
Near Reddypalem, PeddakakaniMandalam,  
Guntur.
7. P.Koteswararao S/o. Late P.Anjaneyulu,  
Aged 58 Years Occ: Supdt of C.Ex,  
Guntur CGST Division R/o 5-78-63/B  
6th line, Pandaripuram,  
Guntur
8. Kothapalli Aparna D/o Kothapalli Bhaskar Rao  
Aged 59 years, Superintendent of Central Tax  
Hqrs. Office, Medchal CGST Commissionerate,  
R/o Plot No.406, Chaitanya Bharathi Hi-Tech Heights,

CBIT Colony, Attapur, Land Mark: Near SNR Gardens,  
Hyderabad.

9. Shajadunnissa Begum W/o Nazeer Ahmed Khan  
Aged 60years Occ: Supdt of C.Ex.(Retd.)  
12-164, Ashok Nagar, Chinamushidivada,  
Pendurthi Mandalam, Visakhapatnam
10. N.Navaneeth Kumar S/o Late Harinarayana  
Aged 63 years Occ: Supdt of C.Ex. (Retd.)  
305, Heera Mothi Apartment, R.K.Nagar,  
D.D.Colony, Hyderabad.
11. V.Narsaiah S/o V.Raja Goud,  
Occ: Supdt of C.Ex (Retd)  
H.No.6-3-26/5/1, Premnagar,  
Khairatabad, Hyderabad
12. Borra Gopaiah S/o Borra Rathaiah,  
Aged 52 Years, Supdt of C.Ex.,  
O/o the Chief Commissioner of C.Ex.,  
Port Area, Visakhapatnam, A.P.
13. Gopal G.Srinivasan, S/o M.Gopal,  
Aged 50 years, Begaum Bazar Divisional Office,  
Hyderabad GST Commissionerate, Hyderabad.  
R/o 1-6-37/2/1/5, Penta Reddy Nagar,  
West Venkatapuram, Secunerabad - 15. ....Applicants

And

1. Govt. of India ,Ministry of Finance, Department of Revenue, Central Board of Customs and Central Excise , North Block, New Delhi Represented by its Secretary.
2. Central Board of Customs and Central Excise, North Block New Delhi, Rep. by its Chairman.
3. Chief Commissioner of Customs and Central Excise, Hyderabad Zone, Kendriya ShulkBhavan, Basheerbagh, Hyderabad.
4. Commissioner of Customs and Central Excise, Hyderabad Commissionerate, (Cadre Control Authority) G.S.T.Bhavan, Basheerbagh, Hyderabad.

... Respondents

Counsel for the Applicants : Mr. N. Vijay  
Counsel for the Respondents : Mrs. D. Shobha Rani, Addl. CGSC.

**CORAM :**

***Hon'ble Mr. A.K. Patnaik, Judl. Member***

***Hon'ble Mr. B.V. Sudhakar, Admn. Member***

**ORAL ORDER**

[ A.K. Patnaik, Judl. Member ]

Heard Mr. N. Vijay, learned counsel for the applicants and Smt. D. Shobha Rani, learned Standing Counsel for the respondents.

2. MA/21/507/2019 filed for joining together in single O.A. is allowed and disposed of. Register the O.A.

3. The O.A. has been filed u/Section 19 of the Administrative Tribunals Act, 1985 with the following prayer:

ö.....to declare the action of the respondents in not considering the representations of the applicants seek relief of second and third financial upgradation with effect from the block period of 10 years without promotion and also to grant pay scale on par with the juniors as illegal, arbitrary and violative of the provisions of MACP scheme dated 19.5.2009 and judgements thereunder as accepted by Respondent No.1 and consequently direct the respondents to grant second and third financial upgradation under MACP scheme w.e.f. the block period of 10 years without promotion and also to grant pay scale on par with the juniors from the date the junior was sanctioned the pay scale.ö

4. Learned counsel for the applicants submitted that the applicants are initially appointed as LDC and are subsequently promoted to the cadre of Superintendent. In the promotion between the cadre of Inspector to Superintendent, there was a gap of 20 years and for that interregnum period, the applicants are entitled for Financial Upgradation under MACPS which provides the financial upgradation for a block period of 10 years. It is further

submitted that the juniors of the applicants are drawing higher scale and this anomaly needs to be redressed.

5. Mr. N. Vijay, learned counsel for the applicants strenuously argued that in selfsame matter O.A. No.429/2019 was filed before this Court in which Notices have been issued and as this is a connected matter, Notices have to be issued in this case also.

6. Learned counsel for the applicants brought to our notice that being aggrieved in not getting MACP benefit as per rules and due to certain inconsistencies, the applicants jointly preferred a representation under Annex.A-III to Respondents No.4 against which, the applicants had not received any response.

7. In view of the above, based on the averments and materials placed on record, in order to avoid more delay of redressing the grievance of the applicants to which, if they are otherwise entitled to, without expressing any opinion on the merit of the matter this Original Application is disposed of at the admission stage, with a direction to Respondent No.4, before whom the representations are stated to be pending, to consider the grievance of the applicants, as raised in their representations under Annex.A-III, and communicate the result thereof in a reasoned order to the applicants, within a period of six weeks from the date of receipt of a copy of this order. In case, upon such consideration it is decided that the applicants are entitled to the relief as claimed by them, then the same be paid to them within a period of another six weeks from the date of said order.

8. We also make it clear that if the applicants do not get any reply within a period of six weeks, they are granted liberty to file a fresh O.A. or C.P., as per their choice.

9. There shall be no order as to costs.

**(B.V. SUDHAKAR)**  
**ADMN. MEMBER**

**(A.K. PATNAIK)**  
**JUDL. MEMBER**

*pv*