

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH  
HYDERABAD**

**OA/21/638/2019**

**Dated: 18/07/2019**

Between

1. P. Vigneshwar Raju, S/o. PV.R.N. Raju,  
Aged 59 years, Supdt. (Group B),  
Group-32, Audit-II Commissionerate,  
R/o. H.No.2-3-919, Plot No.8, Road No.1,  
Arunodayanagar, Nagole, Hyderabad.
2. G. Vijaya Raghavan, S/o. G. Namdev Goud,  
Aged 48 years, Occ: Supdt.,  
Shamshabad Division, Ranga Reddy GST  
Commissionerate, R/o.508, MSK Towers, St.No.11,  
Himayatnagar, Hyderabad.
3. C.Sridhara Murthy, S/o. Late C.B. Murthy,  
Aged 52 years, Occ: Supdt., Group-74,  
Audit-II Commissionerate,  
R/o.109, Green Space Signature, Narsingi Road,  
Manikonda, Hyderabad ò 500 089.
4. Rayudu Rama Mohana Rao,  
S/o. Manikyam, aged 63 years,  
Occ: Supdt. (Retd), R/o. Plot No.71-09-40/1a,  
5<sup>th</sup> Road, Tarakramanagar, Behind Police Quarters,  
Rajahmundry, East Godavari Dist., A.P. 533 106.
5. G. Venkata Raghavan, S/o. G. Namdev Goud,  
Aged 47 years, Occ: Superintendent,  
Armoor GST Range, Nizamabad Division,  
Medchal GST Commissionerate,  
N.4, J B Residency, Pragathinagar,  
Behind Passport Office,  
Nizamabad ò 503 001.
6. V. Bhaskara Chary, S/o. Laxmikantha Rao,  
Aged 65 years, Occ: Inspector (Retd),  
R/o.H.No.Amber 306,  
My Home Jewel, Madinaguda,  
Hyderabad ò 500 049.
7. C.S. Srinivas, S/o. C. Seetharamaiah,  
Aged 48 years, Occ: Supdt (Retd)  
Guntur GST Commissionerate,  
R/o. FF-1, Narayanadri Apartments,  
2/18, Brodipet, Guntur ò 522 002.

8. V. Vidya Sagar, S/o. V.R.S. Raju,  
Aged 52 years, Occ: Superintendent,  
R/o. H.No.1-5-476,  
Ayyappa Nagar, Old Alwal,  
Secunderabad 500 010.
9. S. Satyanarayana Sastry,  
S/o. Late S. Rama Rao,  
Aged 60 years, Occ: Supdt. (Retd),  
R/o.D.No.24-29-217/2, Kakarlamuivari St.,  
Gulabithota, Vijayawada 520 003.

... Applicants  
AND

1. Union of India rep. by  
the Secretary, Ministry of Finance,  
Dept. of Revenue,  
North Block, New Delhi 110 001.
2. The Chairman,  
Central Board of Excise and Customs,  
North Block, New Delhi 110 001.
3. The Chief Commissioner of Customs & Central Tax,  
Hyderabad Zone, GST Bhavan,  
Basheerbagh, Hyderabad.
4. The Chief Commissioner of Customs & Central Tax,  
Visakhapatnam Zone, Port Area,  
Visakhapatnam.
5. The Principal Commissioner,  
Central Taxes, Hyderabad Commissionerate,  
GST Bhavan, Basheerbagh,  
Hyderabad.

... Respondents

Counsel for the Applicants : Mr. KRKV Prasad  
Counsel for the Respondents : Mr. T. Hanumantha Reddy,  
Sr. PC to CG.

***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 Smt. Rachna Kumari representing Sri KRKV Prasad, learned counsel for the applicants and Sri T. Hanumantha Reddy, learned Senior Panel Counsel appearing for the respondents, in extenso.

2. This O.A. has been filed u/Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

Ø(i) to call for the records pertaining to Circulars F.No.A-23011/25/2015-Ad.II A dated 2.9.2016 r/w F.No.A-23011/25/2015-Ad.II A dated 20.6.2016 and declare the action of the respondent department in depriving the applicants of their 2<sup>nd</sup> financial upgradation to GP Rs.6600/- with resultant further losses relating to further career benefits like 3<sup>rd</sup> financial upgradation etc., as illegal, arbitrary and set aside and quash the said circulars dated 2.9.2016 and 20.6.2016; and

(ii) consequently declare that the applicants are eligible for 2<sup>nd</sup> financial upgradation to GP Rs.6600/- on completion of 20 years of service and direct the respondents to grant 2<sup>nd</sup> financial upgradation to the applicants to GP Rs.6600/- from the date of eligibility i.e. on completion of 20 years of service by revising the earlier orders of 2<sup>nd</sup> financial upgradation granted to GP Rs.5400/- and grant all other consequential benefits.Ø

3. At the outset, Sri Prasad, learned counsel for the applicants submitted that all the applicants are similarly situated employees and, therefore, an MA has already been filed for joint prosecution, which is allowed and disposed of.

4. Learned counsel for the applicants submitted that the applicants were appointed as Inspector in Central Excise Department with GP Rs.4600/- (Rs.6500-10500/- - 5<sup>th</sup> CPC). The applicants were granted 1<sup>st</sup> financial upgradation under Assured Career Progression to GP Rs.4800/- (Rs.7500-12000/-), thereafter were promoted as Superintendents with GP Rs.4800/-. The grievance of the applicants that they were entitled for Non-Functional upgradation to GP Rs.5400/- on completion of 4 years service with GP Rs.4800/- was settled after the order of the Tribunal attained finality in November, 2018. Thereafter, the applicants submitted representation to grant 2<sup>nd</sup> financial upgradation to the next higher grade GP i.e. Rs.6600/-, whereas by wrongly interpreting the features of the MACP Scheme based on the impugned clarifications issued by the Ministry, the applicants were denied of the said benefit of 2<sup>nd</sup> financial upgradation to GP Rs.6600/- on completion of 20 years of service. Hence, the O.A.

5. Learned counsel for the applicants brought to our notice that being aggrieved in not getting MACP benefit as per rules due to certain inconsistencies, applicants No.1, 6, 7 & 9 jointly preferred a representation under Annex.A-4 to Respondents No.5 against which, the applicants had not received any response.

6. As the Annex.A-4 representation preferred by some of the applicants is unanswered, therefore, keeping in mind the well settled decision of law as enumerated in a catena of judgements by the Hon'ble Supreme Court and the Hon'ble High Courts and this Tribunal, we dispose of this O.A., by directing the 5<sup>th</sup> Respondent to dispose of the representation under Annex.A-4, keeping in mind the rules in force as well as taking into account all the points raised in

the representation and after such consideration, if any anomalies are brought to the notice of the respondents, the same may be rectified with proper steps, within a stipulated period of six weeks. If the applicants are found eligible, disbursement of the amount to the applicants shall be made, within six weeks thereafter.

7. As prayed by Smt. Rachna Kumari, a copy of this order along with the paper book with all its annexures be transmitted to Respondent No.5, by speed post within a week, for which the counsel for the applicants bears the costs.

8. There shall be no order as to costs.

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

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

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