

MOST URGENT
RTI MATTER



GOVERNMENT OF INDIA
OFFICE OF THE PRINCIPAL COMMISSIONER OF CGST & CENTRAL TAX:
KOLKATA- NORTH COMMISSIONERATE, CGST BHAWAN:

1ST FLOOR:180, SHANTIPALLY, RAJDANGA MAIN ROAD, E.M BYPASS KOLKATA-700107
C. No. V(30)139/RTI/HQ/CGST & CX/Kol-North/2021 Dated: -

To
Shri Kishore Kumar Majumder,
4/33, Bijoygarh, Jadavpur,
Kolkata-700032

Sir/Madam,

Sub: Information under the RTI Act, 2005 — Regarding.

Please refer to your RTI application dated-08.11.2021, which has been received in this Commissionerate on 10.11.2021 and received to this section on 12.11.2021. Subsequently the said RTI application was registered at this office vide Registration No.143/RTI/Kol-North/2021 dated- 12.11.2021.

The desired informations as received from the ACAO, Kolkata North CGST&CX Commissionerate is enclosed herewith.

If you are aggrieved or dissatisfied with the above information, you may prefer an appeal within 30 (thirty) days of receipt of the information before the 1st Appellate Authority namely Ms Mohsina Tabassum, Joint Commissioner & FAA, CGST & CX, Kolkata-North Commissionerate, O/o The Principal Commissioner of CGST & CX, 2nd Floor, Kendriya Utpad Shulk Bhawan, 180, Shantipally, Rajdanga Main Road, Kolkata-700107.

Encl: 01(One) sheet.



Yours faithfully,

sd/

(Indu Bikash Das)
CPIO & Assistant Commissioner
HQ, RTI Cell
CGST: Kol-North Comm'te.

Dated: **22 NOV 2021**

C. No. As above/ **20166**
Copy forwarded for information to: -

1. The Assistant Commissioner (Systems), Computer Cell, CGST & CX, Kolkata North Commissionerate with a request to upload the RTI application dated-08.10.2021, submitted by Shri Kishore Kumar Majumder, 4/33, Bijoygarh, Jadavpur, Kolkata-700032 (enclosed Fourteen sheets).
2. The CPIO & Assistant Commissioner, CCO, O/o the Pr. Chief Commissioner CGST & CX, Kolkata Zone.

sd/
22/11/21

(Indu Bikash Das)
CPIO & Assistant Commissioner
HQ, RTI Cell
CGST: Kol-North Comm'te.

sd/
23/11/21
Supdt. (System)



भारत सरकार

GOVERNMENT OF INDIA

प्रधान आयुक्त का कार्यालय

OFFICE OF THE COMMISSIONER OF CGST & CX,
KOL-NORTH COMM'TE, GST BHAVAN,
180, SHANTI PALLY, RAJDANGA MAIN ROAD, E.M. BYPASS, KOLKATA - 700107

III(20)25/ Part- II/ Accts/ RTI-CPGRAMS/ CGST/ KN/2018/ 566

Dated:- 17/11/21

To,
The Assistant Commissioner (CPIO)
HQ RTI Cell,
CGST,
Kolkata North Comm'te,
Kolkata

Sir,

Sub:- RTI application dated 08.11.2021 filed by Shri Kishore Kumar Majumder, 4/33, Bijoygarh, Jadavpur, Kolkata - 700032 - regarding

Please refer letter C.No. V(30)139/RTI/HQ/CGST & CX/Kol North/2021/19704 dated 15 Nov 2021 on the above mentioned subject.

2. The application for the Revision of Pay Fixation in respect of the Officer has been received by this office and the same is under process.
3. This is for your kind information.

Yours faithfully,

(Keshaw Raj Sharma)

Assistant Chief Accounts Officer

14714
10/11/21



Most Urgent
RTI Matter

भारतसरकार
GOVERNMENT OF INDIA
प्रधान मुख्य आयुक्त कार्यालय
OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER
केन्द्रीय वस्तु एवं सेवा कर , कोलकाता क्षेत्र
CENTRAL GOODS AND SERVICES TAX AND CENTRAL EXCISE, KO5LKATA ZONE
केन्द्रीय वस्तु एवं सेवा कर भवन, दुसरातल, 180, शांतिपल्ली, आर. बी. कनेक्टर, कोलकाता - 700 107
GST Bhawan (2nd Floor), 180 Shanti Pally, R. B. Connector, Kolkata - 700 107
Phone No. 033-2441-6797/6842: Fax No. 033- 2441-6834/6798

F. No. GCCO/RTI/APP/842/2021-TECH- Pr CC-CGST-ZONE-Kolkata/ 15879 Date: 10/11/21

To
The CPIO,
CGST & CX Kolkata North Commissionerate
Kolkata

Sir,

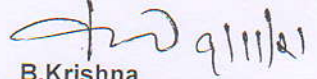
Sub: RTI Applications filed by Shri Kishore Kumar Majumdar under Right to Information Act 2005 -reg.

Please find enclosed herewith a RTI application having registration No. GSTKT/R/E/21/00154 dated 08.11.2021, along with relevant documents filed by **Shri Kishore Kumar Majumdar**, 4/33, Bijoygarh, Jadavpur, Kolkata, West Bengal, PIN - 700032. The information sought by the applicant seems to pertain to your jurisdiction. Hence, The RTI Application is transferred to you under section 6(3) of the RTI Act, 2005.

You are requested to supply the information directly to the applicant under RTI Act, 2005.

Yours faithfully,

Encl: 12(Twelve) Sheets.RTI application
along with relevant documents


B.Krishna
Assitant Commissioner(CPIO)
Pr. CCO, Kolkata Zone

RTI REQUEST DETAILS

Registration No. : GSTKT/R/E/21/00154

Date of Receipt : 08/11/2021

Type of Receipt : Online Receipt

Language of Request : English

Name : KISHORE KUMAR
MAJUMDAR

Gender : Male

Address : 4/33, BIJOYGARH, JADAVPUR, KOLKATA- 700032, WEST
BENGAL, INDIA, Pin:700032

State : West Bengal

Country : India

Phone No. : +91-7595890932

Mobile No. : +91-
9874042989

Email : kishoremajumdar@yahoo.in

Status(Rural/Urban) : Urban

Education Status : Graduate

Is Requester Below Poverty Line ? : No

Citizenship Status : Indian

Amount Paid : 10)

Mode of Payment : Payment
GatewayDoes it concern the life or
Liberty of a Person ? : No(Normal)Request Pertains
to :

Information Sought :

Respected Sir/ Madam,
I Kishore Kumar Majumdar (Retired Inspector) submitted my application for a grant of non-financial grade in the grade pay of Rs 5400/- for which I was granted the same by Honorable CAT, Kolkata. I had submitted my letter for revised pay fixation to the commissioner CGST & CX Kolkata North Commissionerate on 25/08/2021. Till now I have not received the admissible arrear and thus I wish to know about the status of my pay fixation application and the probable date of completion of the process. I am a retired person with cardiac ailment and it is not possible for me to visit the office frequently. Thus I request you to kindly provide the information sought earlier. My order papers and copy of the applications are attached herewith. Thanking you
Kishore Kumar Majumdar
Inspector (Retired).

Print

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Close

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

O.A. Nos.350/00048/2021, 49/2021, 208/2021, 210/2021 & 211/2021.

Date of order : This the 11th day of March, 2021.

Hon'ble Mrs. Bidisha Banerjee, Judicial Member

Hon'ble Dr (Ms) Nandita Chatterjee, Administrative Member

O.A. 48/2021 Shri Pradip Kumar Nandy
O.A. 49/2021 Shri Ajoy Kumar Bose
O.A. 208/2021 Ms Swati Bandyopadhyay
O.A. 210/2021 Shri Tarun Kumar Deb
O.A. 211/2021 Shri Kishore Kumar Majumdar

.....Applicants

-Versus-

Union of India
Service through the Secretary to the
Govt. of India, Ministry of Finance,
Department of Revenue,
North Block, New Delhi-110001.

2. The Chairman,
Central Board of Excise & Customs
(Presently Central Board of Indirect Taxes & Customs)
North Block, New Delhi-110001.
3. The Principal Chief Commissioner of CGST & CX,
Kolkata, 180, Shanti Pally,
Kolkata - 700107.
4. Commissioner of CGST & CX,
Howrah Commissionerate,
M.S. Building, Custom House,
15/1 Strand Road, Kolkata-700001.

.....Respondents

For The Applicant(s): Mr. A. K. Manna, counsel

For The Respondent(s): Mr. K. K. Maity & Ms A. Rajyashree, counsel

ORDER (ORAL)Ms. Bidisha Banerjee, Member(J)

Heard Id. counsel for both sides.

2. Due to parity in the nature of grievance, facts pleaded and relief claimed, these cases are being heard out analogously, upon due notice and with consent of all the sides, to be disposed of by this common order.

3. For the sake of brevity, O.A. No. 48/2021 is being delineated and discussed hereunder:

This O.A 48/2021 has been preferred to seek the following relief:

"5(a) An order issuing direction upon the respondents to grant Grade Pay of Rs. 5400/- in PB-2 to the applicant herein on completion of 4 years in the pay scale of Rs. 7500-12000/- (Pre-revised) as per judgement dated 06.09.2010 of Hon'ble High Court of Madras, as upheld by Hon'ble Supreme Court vide its order dated 10.10.2017 and that dated 23.08.2018 and as decided by Board vide its letter dated 22.10.2019 and 27.07.2020 and Estt. Order No. 286/19, dated 06.12.2019 and subsequent similar Establishment Order issued in implementation thereof for extension of benefit covered under the judgment dated 06.09.2010 with all consequential benefits including areas of pay.

(b) An order quashing and setting aside the clarification dated 11.02.2009 and directing the respondents to grant Grade Pay of Rs. 5400/- (PB-2) in the pay scale of Rs. 7,500/- - 12,000/- (Pre-revised) to the applicant on completion of 4 years of service in the Grade Pay of Rs. 4,800/- in PB-2 (i.e. w.e.f. from the date as mentioned in para 4(f) hereinabove.

(c) An order directing the respondent authorities to provide production of relevant documents.

(d) Any other order or further order/orders as this Hon'ble Tribunal may deem fit and proper."

4. At hearing, Id. counsel for the applicants would submit that he would be fairly satisfied if a direction is issued to the concerned respondent authority to consider and dispose of the pending representation in the light of the judgment rendered in *Shiladitya Maltra & Ors* in OA/350/358/2019 and to issue appropriate order.

5. Accordingly, with the consent of both the parties and without calling for reply, we dispose of the O.A by directing the competent respondent authority to consider and dispose of the pending representation in the light of O.A/350/358/2019 (Shiladitya Maitra & ors) supra, within 8 weeks from the date of receipt of a copy of this order and pass appropriate order.

6. In the event the applicants are found entitled to the relief as sought for, identical benefits shall be extended in terms of the judgment supra, within 3 months thereafter.

7. It is made clear that we have not entered into the merit of the matter and therefore all the points raised in the representations shall be open for consideration.

8. The present OAs accordingly stand disposed of. No costs.



st
(DR NANDITA CHATTERJEE)
MEMBER(A)

RB
(BIDISHA BANERJEE)
MEMBER (J)



pg

1360
Aok. Manna
11/3/21
3
For
17/3/21
22/3/21

Certified to be true Copy
[Signature]
22/03/2021

To
The Commissioner,
CGST & CX Kolkata North Commissionerate,
GST Bhawan, Shantipally,
Kolkata- 700 107.

Sir,

Subject: Grant of Non-financial Grade in the Grade Pay of Rs. 5400/- on the basis of Order No. 119/2021 dated 10/08/2021 issued by Hon'ble Pr. Chief Commissioner CGST & CX Kolkata Zone, with the request for early fixation and payment of admissible arrear thereof. Corres.reg.

Your kind attention is drawn to the order no. 119/2021 dated 10/08/2021 issued by Hon'ble Pr. Chief Commissioner CGST & CX Kolkata Zone, which was circulated under F.No. 1(10)14-Law/Misc.D.A.s/Pr. CCO/CGST & CX/KOL/2021/10669-73 dated 10/08/2021 for granting Non-functional Grade in the GP of Rs. 5400/- in PB-2 on completion of 4 years of continuous service in the pay scale of Rs. 7500-12000/- (Pre-revised) corresponding to the grade pay of Rs. 4800/-. The copy of the aforesaid order is enclosed herewith for your information and ready reference.

In view of this above, I request your good self to be kind enough to do the needful towards my fixation of pay and necessary payment admissible arrear arising out of the said fixation at the earliest.

With regards,

Encl: 31 (Thirty one) Pages.

Date: 25/08/21

Yours faithfully

Kishore Kumar Majumdar
(KISHORE KUMAR MAJUMDAR)

o/c

Inspector (Retired)

Establishment Kolkata III Commissionerate,

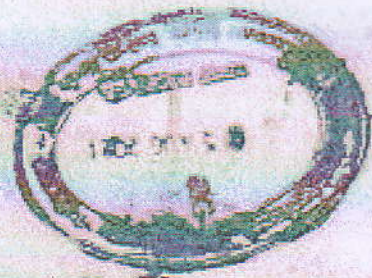
CGST & CX Kolkata North Commissionerate.

- Copy to Assistant Chief Accounts Officer, CGST & CX Kolkata North Commissionerate for information and necessary action.

Kishore Kumar Majumdar
(KISHORE KUMAR MAJUMDAR)

o/c

Inspector (Retired)



To
The Assistant Chief Accounts Officer
CGST & Cx, Kolkata North Commite
GST Bhawan, Shantipally
Kolkata - 700 107.

Sir,

I do Shri Kishore Kumar Majumdar, Regional Inspector,
Encl. while Kolkata-III Commite do hereby opt my pay
fixation u.e.f. 1.07.2016 (1st July, 2016), against order no.
US/2021 dtd. 10.08.2021 issued by Honble Pr. Chief Commission
CGST & Cx, Kolkata Zone. I have already submitted all
the documents for your ready reference and needful
action.

I thus request you to be kind enough to do the
needful towards my fixation of pay & necessary payment

with regards,

yours faithfully

Date: 25/08/2021

Kishore Kumar Majumdar
(KISHORE KUMAR MAJUMDAR)
Inspector (Retd.)
Encl. while Kolkata-III Commite
CGST & Cx Kolkata North Commite
Mobile No. 9874042989





भारतसर्वकार/GOVERNMENT OF INDIA

मुख्य आयुक्त का कार्यालय

OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER

केन्द्रीय वस्तु और सेवा कर एवं उत्पाद शुल्क, कोलकाता क्षेत्र

CENTRAL GOODS AND SERVICE TAX & CENTRAL EXCISE, KOLKATA ZONE

जी.एस.टी. भवन (3 तल), 180, शान्ति पल्ली/GST BHAWAN, (2nd Floor), 180, SHANTI PALLY

राजद्वारमैन रोड, (आर.बी. कनेक्टर), कोलकाता - 700107/RAJDWARA MAIN ROAD, (R.B.

CONNECTOR), KOLKATA - 700107

Phone No. 3441-6797/6842 : Fax No. 3441-6834/6798. Email: ecdkolkatazone@yahoo.co.in

DATE: 10.08.2021

ORDER NO. 113/2021

The Central Administrative Tribunal, Kolkata Bench, Kolkata has passed final orders dated 11.03.2021 in Original Application Nos. 35048,49,208,210,211/2021 filed by Shri Pradip Kumar Nandy, Shri Ajoy Kumar Bose, Mr. Swati Bandyopadhyay, Shri Tarun Kumar Deb and Shri Kishore Kumar Majumdar, wherein the Hon'ble Tribunal has directed the respondent authorities to consider and dispose of the pending representations in accordance with law within 8 weeks respectively from the date of receipt of a copy of the order and pass appropriate order and has accordingly disposed of the O.A.s.

2. On perusal of the records, it was noticed that representations were received from individual officers in this regard, but the same were kept pending for consideration as the issue of implementation of the decision was pending with the CBIC.

3. On perusal of the representations of the applicants, it is observed that they have prayed for implementation of CBEC F. No. A.26017/98/2008-Ad.IIA dated 21.11.2008 and revision of pay in terms of the Order of the Hon'ble Supreme Court in Civil Appeal No. 8883/2011 dated 10.10.2017 and in Review Petition (Civil) No. 2512 of 2018 in Civil Appeal No. 8883 of 2011 dated 23.08.2018.

4. Taking into consideration the representations of the applicants, I proceed to examine the various instructions of DoPT and CBEC on the issue of grant of NFG to similarly placed officers.

4.1. The 6th Central Pay Commission gave various recommendations for fixing of pay of employees of the Government of India. The recommendations accepted by the Government were notified vide GSR 622(II) dated 29.08.2008 as Central Civil Services (Revised Pay) Rules, 2008, Part 'C'. As per Section II of the Central Civil Services (Revised Pay) Rules, 2008, it was informed that the revised pay structure mentioned in Column (5) and (6) of the part of the Notification for the posts mentioned in Column (2) have been approved by the Government. In Section -II of the said Notification, it is laid down against Sl. No. 9, under the Head, Department of Revenue, Ministry of Finance that "Income Tax Officers, Superintendents, Appraisers etc.

employees of Central Excise) placed in the pay scale of Rs. 7500-12000 would be granted Revised Pay scale of Rs. 7500-12000 in Pay Band - 2 with Grade Pay of Rs. 4800/- Further, it has been informed that they will be placed in Revised Pay Scale of Rs. 8000-13500 in PB-2 with Grade Pay of Rs. 5400/- after 04 years. Section I of Part A of the First Schedule to the Rules, provides for Revised Pay Band and Grade Pay for post-construction phase in Groups 'A', 'B', 'C' & 'D' except posts for which different revised scales are notified separately. As per the same, the Revised Pay structure for employees in the Pay Scale of Rs. 7500-12000 has been notified at Rs. 9300-34800/- with Grade Pay of Rs. 4800/-.

4.2 The Ministry vide letter F. No. A.26017/98/2008-Ad.IIA dated 21.11.2008 referred to Part - C, Section - II of the CCS (Revised Pay) Rules, 2008 wherein under the heading Ministry of Finance, Department of Revenue, at Sl. No. 9, it was indicated that Superintendents, Appraisers, etc. (Customs and Central Excise) [who are in the pre-revised scale of Rs. 7500-12000] shall be granted Grade Pay of Rs. 5400/- in PB-2 [corresponding to pre-revised scale of Rs. 8000-13500], after 04 years of Service. Further, in Clause (x)(e) of the RESOLUTION also, it was indicated that 'Group-B Officers of the Department of Posts, Revenue, etc. will be granted Grade Pay of Rs. 5400 in PB-2 on non-functional basis after 4 years of regular service in the Grade Pay of Rs. 4800/- in PB-2'. Further, it was informed that the Department of Expenditure has clarified that the 04 year period is to be counted w.e.f. the date on which an officer is placed in the pay scale of Rs. 7500-12000/- (pre-revised).

4.3 Further, the Ministry vide letter F. No. A.26017/98/2008-Ad.IIA dated 11.02.2009 on the issue clarified that the matter has been examined in consultation with Department of Expenditure, who have clarified the matter as under: -

Non-functional upgradation to the grade pay of Rs. 5,400/- in the pay band PB-2 can be given on completion of 04 years of regular service in the grade pay of Rs. 4800/- in PB-2 (pre-revised scale of Rs. 7500-12000/-) after regular promotion and not on account of financial upgradation due to the ACP."

4.4 The Hon'ble CAT, Chennai Bench vide its order dated 19.04.2010 had dismissed the O.A. No. 167/2009 seeking grant of grade pay of Rs. 5400/- and the consequential benefits with effect from 01.01.2008 as per the orders of the Government of India accepting the recommendation of the 6th CPC. Aggrieved by the dismissal of the aforesaid O.A., Shri M. Subramaniam filed W.P. No. 13225 of 2010 before the Hon'ble High Court of Judicature at Madras. The Hon'ble High Court of Judicature at Madras vide order dated 06.09.2010 had made the following observations: -

"We are unable to agree with this clarification given by the Under Secretary to the Government of India, since in an earlier clarification dated 21.11.2004 of the Deputy Secretary to Government of India, it was clarified as to how the 04 year period is to be counted for the purpose of granting non-functional upgradation in Group 'B' Officers, i.e., whether the 04 year

period is to be counted with effect from the date on which the officer is placed in the pay scale of Rs. 7500-12000- (pre-revised) or with effect from 01.01.2006, i.e. the date on which the recommendations of the 6th CPC came into force. It was clarified that the 04 year period is to be counted with effect from the date on which an officer is placed in the pay scale of Rs. 7500-12000 (pre-revised).

Thus, if an officer has completed 04 years on 01.01.2006, he will be given the non-functional upgradation with effect from 01.01.2006 and if the officer completes 04 year on a date after 01.01.2006, he will be given non-functional upgradation from such date on which he completes 04 year period in the pay scale of Rs. 7500-12000 (pre-revised), since the petitioner admittedly completed 04 year period in the pay scale of Rs. 7500-12000 as on 01.01.2008, he is entitled to the grade pay of Rs. 5400/-. In fact, the Government of India having accepted the recommendations of the 6th Pay Commission, issued a resolution dated 29.08.2008 granting grade pay of Rs. 5400/- to Group 'B' officers in Pay Band - 2 on non-functional basis after 04 years of regular service in the grade pay of Rs. 4800/- in Pay Band 2. Therefore, denial of the same benefit to the petitioner based on the clarification issued by the Under Secretary to the Government was contrary to the above said clarification and without amending the rules of the revised pay scale, such decision cannot be taken. Therefore, we are inclined to interfere with the order of the Tribunal.

Accordingly, the Writ Petition is allowed setting aside the order of the Tribunal dated 19.04.2010 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 01.01.2008 as per the resolution dated 29.08.2008.

4.5 Department of Expenditure vide Resolution No. 14/2008-IC dated 29.08.2008 has specified that the Group 'B' officers of the Department of Revenue will be granted grade pay of Rs. 5400/- in PB-2 on non-functional basis after 04 years of regular service in the grade pay of Rs. 4800/- in PB-2. Para (x)(c) of the resolution dated 29.08.2008 issued by the Department of Expenditure is reproduced for sake of convenience:-

"Group 'B' officers of Department of Posts, Deptt. Of Revenue, etc will be granted grade pay of Rs. 5400 in PB-2 on non-functional basis after 04 years of regular service in the grade of Rs. 4800/- in PB-2"

4.6 Further, on receipt of some other references from field formations of CBIC as to whether the officers who have got the pre-revised scale of Rs. 7500-12000/- by virtue of financial upgradation under ACP will also be entitled to the benefit of further non-functional upgradation on completion of 04 years in the prescribed pay scale of Rs. 7500-12000/- in terms of the recommendations of the 6th CPC as accepted by the Government, the matter was again examined at length in consultation with Department of Expenditure and it was clarified as under:-

on completion of 04 years of regular service in the grade pay of Rs. 4800/- in PB-2 (pre-revised scale of Rs. 7500-12000) after regular promotion and not on account of financial upgradation due to ACP." Accordingly, a clarification to this effect was issued vide this Department's letter F. No. A-26017/98, 2008-Ad/HA dated 11.02.2009.

4.7 In view of the above facts, the order of the Hon'ble High Court of Judicature of Madras was examined in the light of clarification dated 11.02.2009 on grant of Non-functional grade in the grade pay of Rs. 5400/- in PB-2 to Group 'B' officers in consultation with Department of Expenditure in the case of Mr. M. Subramaniam.

4.8 Department of Expenditure vide UO No. 15(23)E.II(B)/2010 dated 24.12.2010 clarified that non-functional upgradation to the grade pay of Rs. 5400/- in the pay band PB-2 can be given on completion of 4 years of regular service in the grade pay of Rs. 4800/- in PB-2 (pre-revised scale of Rs. 7500-12000) after regular promotion and not on account of financial upgradation due to ACP. In the case of Shri M. Subramaniam, he was holding the post of Inspector and was granted the grade pay of Rs. 4800/- in PB-2 under ACP Scheme. He was not promoted to the post of Superintendent/ Appraiser and as such, he had not rendered any regular service in the grade pay of Rs. 4800/-. Therefore, he could not be extended the benefit of grade pay of Rs. 5400/- after 4 years of service in the grade pay of Rs. 4800/-. DoP&T also endorsed the view of the Department of Expenditure.

4.9 Accordingly, an SLP No. 15627 of 2011 was filed before the Hon'ble Supreme Court (subsequently converted to Civil Appeal No. 8883/2011) against the Hon'ble Madras High Court Order dated 06.09.2010 in W.P. 13225/2010. The Hon'ble Supreme Court vide order dated 10.10.2017 did not see any ground to interfere with the impugned order and accordingly dismissed the appeal and the SLP filed by the UOI.


4.10 A Review Petition (Civil) No. 2512 of 2018 in Civil Appeal No. 8883 of 2011 was also filed by the Union of India before the Hon'ble Supreme Court which was also dismissed vide order dated 23.08.2018 both on the ground of delay as well as on merits.

FINDINGS

I have gone through the instructions of DoP&T on the issue of grant of NFG and also the decisions of the Hon'ble CAT, High Court, Supreme Court on the issue. After going through the same, I am convinced that the benefit granted to M. Subramanian by the Hon'ble Madras High Court should be extended to the applicants in-the in OA Nos. 350/48,49,208,210,211/2021. Further, the Board in its letter dated 08.06.2021 under P. No. A-23011/70/2020-Ad.IIA has directed to implement the respective CAT orders by passing a reasoned speaking Order on the representation of the applicants after careful examination of the representation in the light of the judgment of Hon'ble High Court in M. Subramanian case passed in WP No. 13225/2010, as directed by the Hon'ble CAT, Kolkata Bench in order dated 11.03.2021. In view of the above said direction of the CBIC, New Delhi, the officers in the present O.A.s. who are similarly placed to the case covered in the order dated 06.09.2010 of Hon'ble Madras High Court in W.P. No. 13225 of 2010 against which SLP was dismissed, are eligible for grant of Non Functional Grade (NFG) in the GP of Rs. 5400/- in PB-2 on completion of 04 years of continuous service in the pay scale of Rs. 7500-12000/- (Pre-revised) corresponding to the Grade pay of Rs. 4800/-. However, the eligibility for Non Functional Grade (NFG) in the Grade Pay of Rs. 5400/- in PB-2 is subject to verification of their service records.

ORDER

The representations of the applicants in OA Nos. 350/48,49,208,210,211/2021 have been considered. The applicants in the present O.A.s. who are similarly placed to the case covered in the order of Hon'ble Madras High Court dated 06.09.2010 in W.P. No. 13225 of 2010 against which SLP was dismissed, are hereby granted Non Functional Grade (NFG) in the GP of Rs. 5400/- in PB-2 on completion of 04 years of continuous service in the pay scale of Rs. 7500-12000/- (Pre-revised) corresponding to the Grade Pay of Rs. 4800/-. However, the eligibility for Non Functional Grade (NFG) in the Grade Pay of Rs. 5400/- in PB-2 is subject to verification of their service records.


10/11/21
[A. P. S. Saeji]
Pr. Chief Commissioner
CGST & CX, Kolkata Zone

10689-73 Date: 10/07/21

Copy to:-

1. Shri Pradyumn Nandy, Superintendent (Retd), CGST & CX, Kolkata North Commissionerate.
2. Shri Ajay Kumar Bose, Superintendent, CGST & CX, Kolkata South Commissionerate.
3. Ms Swati Bhattacharyay, Superintendent, CGST & CX, Howrah Commissionerate.
4. Shri Indu Kumar Deb, Superintendent (Retd), CGST & CX, Kolkata South Commissionerate.
5. Shri Kishore Kumar Majumdar, Inspector (Retd), CGST & CX, Kolkata North Commissionerate.

(Signature)
[Anrendra Narayan]
Additional Commissioner