



सीमा शुल्क के आयुक्त का कार्यालय

OFFICE OF THE COMMISSIONER OF CUSTOMS

आईस हाऊस, 41/ए, ससून रोड, पुणे-411001

ICE HOUSE, 41/A, SASSOON ROAD, PUNE-411001

ESTT. ORDER NO. 51/CUS/2014

DATED 1st October 2014

1810

Shri. V.M. Bhosale, was appointed as Fitter in telecommunication wing under Customs Pune, and he joined on 17-09-1998. As per Customs & Central Excise Department (Group 'C' Technical Posts) Recruitment Rules, 2000, published in G.S.R. 378(E) dated 04-05-2000 the pay scale of post of Fitter was fixed at Rs. 4000-100-6000. Accordingly, as per Estt. Order No. 66/2001 dated 20-12-2001, the pay fixation order of Shri. V.M. Bhosale was fixed in the revised pay scale of Rs. 4000-100-6000 w.e.f. 04-05-2000 vide order dated 17-01-2002 issued under letter F.No. III/24-2/Acctts/97-98.

2. Subsequently, vide Notfn. dated 11-02-2005, the pay scale for the post of Fitter i.e. Rs. 4000-100-6000 was withdrawn with retrospective effect i.e. 04-05-2000. Accordingly, Shri. V. M. Bhosale was placed in the pay scale of Rs. 3050-75-3950-80-4590 w.e.f. 04-05-2000 as per pay fixation order dated 03-06-2005 issued under letter F.No. II/24-3/Pay-Fix/Cus-Acctts/04.

3. Hon'ble CAT Ernakulam Bench vide its order dated 04-05-2011, in O.A. No. 623/2010 in the case of Shri. T. S. Joshy, Fitter Vs. Union of India & Ors. observed that as per para 126.5 of the report of the 5th CPC

".....Accordingly, we recommend that decisions taken in one specific case either by the judiciary or the Govt. should be applied to all other identical cases without forcing the other employee to approach the Court of law for an identical remedy or relief."

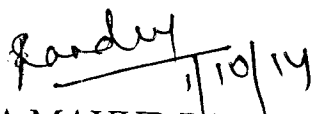
Accordingly, the Hon'ble CAT Ernakulam bench held that :

"10. In view of the above observations by the Apex Court and that of 5th CPC, the benefits enjoyed by the two Fitters out of the four need to be extended to the applicant in this case also. Hence the ends of justice will be met if the O.A. is disposed of with a direction to the respondents to consider the Annexure A-12 representation of the applicant and to grant him the higher pay scale of Rs. 4000-100-600 with effect from 02-05-2000 and the first ACP in the pay scale of Rs. 4500-125-7000 within a timeline of three months. This will not however be applicable to any Fitter who is recruited after the amendment of the RRs in May 2000 with the corrected pay scale. No costs."

The said judgment has been accepted by the Board vide letter No. A-23011/35/2010-Ad.II A dated 02-03-2012 and the same has been implemented by Cochin Comm'te. Similarly, the pay scale of Shri. Swapna Kumar Roy, Fitter working in Kolkatta Comm'te has also been restored as per Hon'ble CAT, Kolkatta Bench order dated 14-03-2008 in O.A. No. 489/2005, which has also been accepted and implemented by the Board vide letter No. A-26017/59-2008-Ad.II A dated 20-10-2008.

4. Accordingly, in view of the above judgment dated 04-05-2011 passed by Hon'ble CAT, Ernakulam Bench, its subsequent acceptance by the Board vide letter dated 02-03-2012 and the fact that the case of Shri. V.M. Bhosale, Fitter working in telecommunication wing under Pune Customs, is exactly identical to the case of Shri. T. S. Joshy, Fitter, Cochin Comm'te, the pay scale of Shri. V.M. Bhosale, Fitter, presently in the pay scale of Rs. 3050-75-3950-80-4590 is hereby restored to the pay scale of Rs. 4000-100-6000 w.e.f. 04-05-2000. Shri. V.M. Bhosale is also eligible for grant of MACP in the higher pay scale as per provisions applicable for grant of MACPS.

This issues with the approval of the Commissioner of Customs, Pune.


(SUNITA MAYUR PANDEY)
Joint Commissioner (P&V)
Customs, Pune.

F.No. II/3-27/Cus/CCC/2011
Pune, the 1st October 2014

Copy to : 1. Chief Accounts Officer, Customs, Pune for further necessary action
2. PAO, Central Excise & Customs, Pune for information please.
3. Individual concerned / Master file