THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.39218 OF 2012

ORDER: (per SK,J)

The Government of India and its officials in the Customs Department filed this writ petition aggrieved by the order dated 30.03.2012 passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, in O.A.No.1051 of 2010. The said O.A. was filed by respondents 1 to 14 herein questioning the proceedings dated 16.09.2009 issued by the Government of India through the Central Board of Customs and Central Excise, New Delhi, holding that non-functional grade pay would not be granted to Group-B Officers, who had got the grade pay of Rs.4,800/- on upgradation under the Assured Career Progression Scheme. They also sought a consequential direction to the authorities to grant higher grade pay of Rs.5,400/- with effect from the date of completion of regular service of four years in the grade pay of Rs.4,800/- (pre-revised Rs.7500-12000).

By the order under challenge, the Tribunal took note of the judgment dated 06.09.2010 of the Madras High Court in W.P.No.13225 of 2010, whereby it was held that the petitioner therein was entitled to grade pay of Rs.5,400/- after completion of four years of regular service in the grade pay of Rs.4,800/- in Pay Band-II. The Madras High Court accordingly granted relief with effect from 01.01.2008 to the petitioner in that case as per the Resolution dated 29.08.2008. Following the aforestated judgment, the Tribunal held that the applicants before it, who had been placed in grade pay of Rs.4,800/- and had completed four years in that scale, were also entitled to the higher pay scale of Rs.5,400/- with

effect from their respective dates of completion of regular service of four years in the grade pay of Rs.4,800/- (pre-revised scale of 7500-12000). However, taking note of the fact that the Supreme Court was seized of the matter in the light of an appeal having been filed by the Government of India against the judgment of the Madras High Court in W.P.No.13225 of 2010, it was made clear that relief granted to the applicants would be subject to the decision of the Supreme Court in the Special Leave Petition arising out of the Madras High Court judgment.

We are now informed that the Supreme Court confirmed the judgment of the Madras High Court in W.P.No.13225 of 2010 and Civil Appeal No.3893 of 2011 arising therefrom along with SLP (Civil) Nos.23513 & 3189 of 2015 and 17576 of 2017 were dismissed *vide* order dated 10.10.2017.

In that view of the matter, it is not open to the Government of India and its officials in the Customs Department to continue to maintain a challenge against the order passed by the Tribunal following the aforestated judgment of the Madras High Court, which was approved by the Supreme Court.

The writ petition is devoid of merit and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

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SANJAY KUMAR,J

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M.GANGA RAO,J

Date:16.04.2018

GJ

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते