

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WP.CT 49 of 2025

**The Principal Commissioner of CGST and CX,
Kolkata North CGST & CX Commissionerate
Vs.
Subrata Basu & Ors.**

Mr. Vipul Kundalia, Sr. Counsel
Ms. Aishwarya Rajyashree
Mr. Anindya Kanan
Mr. Dhirodatto Chaudhuri
... For the Petitioners

Mr. Swarup Banerjee
Mr. Sajal Kumar Ghosh
... For the Respondents

1. The respondents herein who were applicants before the Central Administrative Tribunal, Kolkata Bench (hereinafter referred to as 'the C.A.T.') had approached the C.A.T. seeking the benefits of the 5th Pay Revision Committee's recommendations with effect from 01.01.1996. The applicants were aggrieved since the benefits had been extended to them from the year 2004. The C.A.T. has taken note of the fact that the Hyderabad Bench of the Tribunal considered the same claim in OA No. 1089 of 2019 and allowed that same. Finding the applicants to be similarly situated the Tribunal has directed consideration of their claim. The Union of India assails the order dated 16.04.2024 passed by the C.A.T. in O.A. No.453 of 2024 and M.A. No.397 of 2024.

2. When the matter was called on today at the very outset the petitioner's learned senior counsel has fairly submitted that the identical issue whether Inspectors in the Central Excise & Customs Department would be entitled to benefits of 5th Pay Revision Committee with effect from 01.01.1996 was decided by the Telangana High Court in ***Writ Petition No.10490 of 2024*** in the case of ***R. Siva Shankara Sastry & Ors. Vs. the Union of India & Ors.*** The order of the Telangana High Court dated 09.08.2024 passed in the writ proceeding was assailed by the Union of India before the Apex Court. The **S.L.P. (Civil) No. 59005 of 2024** has been dismissed on 28.02.2025 by the Apex Court.

3. As per the learned senior counsel for the petitioner since the issue regarding entitlement of the petitioners to grant of benefits of 5th Pay Revision Committee with effect from 01.01.1996 stands settled in the above noted proceedings, nothing remains to be considered in the present proceedings.

4. The learned counsel for the private respondents is present. He also submits that since the issue is now decided, the authorities are obliged to extend the benefits and consequences thereof to the private respondents.

5. In view of the submissions and the facts taken note of above, we find that the present writ proceedings has become infructuous as the petitioner's entitlement

has already been affirmed by the Apex Court as per the proceedings taken note of above.

6. The writ petition is, accordingly, disposed of.

7. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

8. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J)