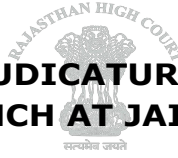




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



D.B. Civil Writ Petition No. 13667/2025

Smt. Ritu Agrawal W/o Aseem Agrawal, aged about 54 Years,
Resident of B-35, Gole Market Flats, Jawahar Nagar, Jaipur, Raj.
302004, Working as Group- B Officer of CGST & Customs, Jaipur
Zone and Presently Posted as Customs Superintendent at
International Airport, Jaipur, Subject: Pay Scale.

-----Petitioner

Versus

1. Union of India through Secretary, Ministry of Finance,
Govt. of India, Department of Revenue, North Block, New
Delhi-110001.
2. The Chairman, Central Board of Indirect Taxes And
Customs, North Block, New Delhi-110011.
3. The Principal Commissioner of CGST and Central Excise,
Jaipur, Cadre Control Unit, NCR Building, Statue Circle,
Jaipur (Rajasthan) 302005.

-----Respondents

For Petitioner(s)	:	Mr. Shailesh Prakash Sharma
For Respondent(s)	:	Mr. Chinmay Surolia for Mr. Devesh Yadav

**HON'BLE MR. JUSTICE SUDESH BANSAL
HON'BLE MR. JUSTICE RAVI CHIRANIA**

Order

04/05/2026

1. By means of filing instant writ petition under Article 226 of the Constitution of India, petitioner has impugned the final order dated 18.08.2025 passed by the Central Administrative Tribunal, Jaipur Bench, Jaipur in Original Application No.94/2024, only to the extent of denying to pay arrears of grade pay of Rs.5400 in Pay Band- 2 (PB-2) w.e.f. 02.05.2010 to 02.05.2014 in monetary terms, despite the fact that petitioner has been held entitled for



grant of grade pay w.e.f. 02.05.2010, but same has been given notionally.

2. Precise submission of learned counsel for the petitioner is that the learned Tribunal has considered the claim of the petitioner for grant of grade-pay of Rs.5400 w.e.f. 02.05.2010, after completion of four years from receipt of grade pay of Rs.4800 in Pay Band-2 (PB-2), in light of the judgment dated 06.09.2010, delivered by the Hon'ble Madras High Court in ***Writ Petition No.13225/2010 titled as M. Subramaniam Vs. Union of Indian and Ors.***, which has been affirmed by the Hon'ble Supreme Court while dismissing the Special Leave Petition filed by Union of India vide order dated 10.10.2017, so also the review petition thereagainst. His further submission is that once the petitioner has been held entitled for grade pay of Rs.5400 w.e.f. 02.05.2010, the learned Tribunal erred in granting the grade pay notionally only and declining to pay the arrears, it means the actual payment, merely for the reason that the petitioner has already been awarded grade pay of Rs.5400 by the respondent w.e.f. 02.05.2014.

3. In respect of entitlement of the petitioner for actual payment arrears of grade pay of Rs.5400 for the period from 02.05.2010 to 02.05.2014, instead of notionally only, learned counsel for the petitioner has drew attention of this Court that the other similarly situated employees to that of the petitioner had also filed a joint Original Application No.706/2019 titled as Vinay Awasthi and Ors. Vs. Union of India and Ors. before the Tribunal and that Original Application was decided by the Tribunal vide order dated 28.11.2019, directing the respondents to consider the Original



Application of the petitioners as representation and to pass a reasoned and speaking order thereupon, after taking into consideration the *ratio decidendi* expounded by the Madras High Court in case of **M. Subramaniam (supra)**, as affirmed by Hon'ble Supreme Court. In furtherance to such order dated 28.11.2019, the respondents have passed an order dated 06.07.2020 under the Establishment Order No.56/2020 (Annexure-9) and has granted grade pay of Rs.5400 to all the petitioners after completion of four years from their grade pay of Rs. 4800 in Pay Band- 2 with all consequential benefits i.e. arrears/actual payment of the revised grade pay has also been granted. Hence, his submission is that once respondent-Department itself has granted actual benefits to other similarly situated employees, in form of consequential benefits vide its order dated 06.07.2020, petitioner solely could not have been discriminated by Tribunal in declining to pay the actual benefits of grade pay for the period from 02.05.2010 to 02.05.2014 that too without advertng to the order dated 06.07.2020 of the respondents. Hence, his submission is that the petitioner may be put at par with the other similarly situated employees, who had filed the O.A. No.706/2019 and to whom, respondents have awarded grade pay of Rs.5400 with all consequential benefits and the respondents be directed to pay the actual and monetary benefits for grant of grade-pay of Rs.5400 to the petitioner as well w.e.f. 02.05.2010 to 02.05.2014, instead of granting only notional benefit of grade pay of Rs.5400.

4. Heard counsel for both the parties.



5. Having pondered over the grievance of the petitioner and the alleged discrimination suffered by her, we have gone through the order of the Tribunal dated 18.08.2025. In the order, no specific reasons have been assigned by the Tribunal to deny the actual benefits/monitory benefits of grade pay to petitioner while the learned Tribunal has accepted the entitlement of the petitioner for grade pay of Rs.5400 in PB-2 w.e.f. 02.05.2010. We find that the petitioner may not be discriminated with the other similarly situated employees to whom the respondents themselves have awarded grade-pay of Rs.5400 with consequential benefits in the light of judgment of **M. Subramaniam (supra)** delivered by Hon'ble Madras High Court and affirmed by Hon'ble Supreme Court.

In that view, while affirming the order of learned Tribunal dated 08.08.2025 in respect of declaring entitlement of petitioner for grade-pay of Rs.5400 in PB-2 with effect from 02.05.2010, the denial of actual and monitory benefits of this grade pay for the period 02.05.2010 to 02.05.2014 to petitioner cannot be countenanced and we permit the petitioner to submit a representation before the respondents within a period of 30 days from today, praying to award actual benefits of grade pay w.e.f. 02.05.2010 and to pay arrears from 02.05.2010 to 02.05.2014.

6. In case, any such representation is submitted, the respondents shall decide the same, without being influenced by declining of actual benefits of grade pay to petitioner by the Tribunal, rather will maintain equality and parity with the Establishment Order No.56/2020 dated 06.07.2020 whereunder the respondents have granted benefit of grade pay of Rs.5400



with all consequential benefits to other similarly situated employees.

7. With aforesaid observations/directions, instant writ petition stand disposed of.

8. Stay application(s) and other pending application(s), if any, also stand disposed of.

(RAVI CHIRANIA),J

(SUDESH BANSAL),J

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