

Central Administrative Tribunal, Principal Bench

Original Application No. 3029 of 2002

New Delhi, this the 3rd day of October, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member(A)

1. All India Naval Civilian
Technical Officers Association,
through its General Secretary
Naval Headquarters,
New Delhi-11
2. Ashok Kumar Sharma
S/o Shri Rooplal Sharma
R/o B-4/35C, Lawrence Road,
New Delhi-31

.... Applicants

(By Advocate: Dr. D.C. Vohra)

Versus

1. Union of India
through the Secretary,
Ministry of Defence,
South Block, New Delhi-11
2. Naval Headquarters
through Dir(Civ.Pers),
Sena Bhawan,
New Delhi-11

.... Respondents

(By Advocate: Shri A.K. Bhardwaj)

O R D E R (ORAL)

By Hon'ble Mr. V.K. Majotra, Member(A)

Applicants have assailed Annexure A-1 dated 19.12.2001 whereby respondents have rejected their claim regarding upgradation of pay scale on the ground that such upgradation will have repercussions in their organisation by way of similar demands by certain categories of employees which is not desirable. Earlier on the applicants had filed O.A.2111/96 which was disposed of by order dated 12.1.2001 with the following directions:

"The respondents to take final decision in the matter with regard to the claims of the applicants for parity in pay scale with other similarly situated persons in the Defence Organisation like the DRDO and DGQA. If not already taken, within

three months from the date of receipt of copy of the order. They shall also intimate the applicants of their decision immediately thereafter. If the claims of the applicants are rejected they shall do so by a reasoned and speaking order."

In pursuance of these directions, respondents considered the claim of the applicants and issued the impugned order.

2. It has been contended on behalf of the applicants that while the Chief Draftsman in the Naval Headquarters has same rank, qualifications, duties and responsibilities as the Chief Draftsman working in other organisations of the Ministry of Defence, he has not been placed in the pay scale of Rs.2375-3750 (pre-revised). Learned counsel contended that hostile discrimination has been meted out to Chief Draftsmen of the Naval Headquarters. According to him, not only that the Chief Draftsman of the Naval Headquarters has the same qualifications, duties and responsibilities as Chief Draftsman of other organisations in the Defence but he is also subjected to departmental examination at every stage for promotion in the Navy. Therefore, he has a better claim for the higher pay scale which has been denied to him by the respondents. He has also drawn our attention to Annexure A-7 (page 23), relevant portion of which reads as under:

"c) CHIEF DRAUGHTSMAN It is also seen that the Chief D'man of Navy has not been given equal status as compared to other Defence Organisations such as DRDO, DGQA, DQA (N) and DQA (WP), etc. While pay scale of Rs.2375-3750 has been recommended for Chief D'man of all these Organisations a lower scale of Rs.2000-3500 only has been suggested for the Chief D'man of the Navy by the Vth CPC, although Naval Headquarters had proposed higher pay scale for Chief D'men of Indian Navy than their counterparts in other Defence organisations which has been notified under para 63.100 page 961 of Vth CPC vol. II. Considering the departmental

examination conducted at every stage for promotion, the pay scale of Chief D'man of Indian Navy should be brought at least at par with others by raising their pay scale to Rs.2375-3750. Comparative statement place at Encl. 4A is relevant."

3. It is evident from the aforesaid that the respondents have recommended consideration of equal status for the Chief Draftsman of the Navy with those of the other Defence Organisations. Learned counsel stated that the respondents have denied grant of pay scale of Rs.2375-3750 (pre revised) to the post of Chief Draftsman in the Navy not on the basis of any rationale, but only on account of financial constraints and imaginary cascading effect in the other departments.

4. On the other hand, learned counsel of the respondents stated that the applicants have not set up a case regarding equality of qualifications, avenues of promotion, duties and responsibilities and as such, they could not have been granted the pay scale claimed by them. He also stated that the Tribunal has no jurisdiction to consider justification of grant of higher pay scales as such a consideration has to be accorded by an expert body like the Pay Commission.

5. While we are conscious of the limitation that consideration of pay scales is within the jurisdiction of expert body and the Government, in the facts and circumstances of the present case and from a careful perusal of the impugned order, we are of the view that respondents have not considered the case of the applicants on comparative merit and have basically denied their claim on the basis of financial stringency. In our view,

respondents should have considered the claim of the applicants on the basis of methods of recruitment, qualifications, duties and responsibilities, vertical and horizontal relativities with similar jobs by taking into consideration these factors relating to the Chief Draftsman working in the Defence Organisations, other than Navy and in this view of the matter, it is imperative that the claim of the applicants should have been considered by taking into consideration these factors.

6. Keeping in view the aforesaid and also the interest of justice, we direct as follows:

- (i) the applicants shall make a detailed representation to respondent no.1;
- (ii) respondent no.1 will consider the said representation and, if necessary, take assistance from a Committee comprising Joint Secretaries of the DOP&T, Expenditure and Ministry of Defence; and
- (iii) the respondents shall take a decision on the representation of the applicants expeditiously and preferably within four months from the date such a representation is made.

O.A. is disposed of as above. lh

V.K. Majotra
(V.K. Majotra)
Member (A).

V.S. Aggarwal
(V.S. Aggarwal)
Chairman.