

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/604/2014

HYDERABAD, this the 21st day of January, 2020

Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member



1. Bangar Raju, S/o. K. Ammoru, aged 38 years,
Occ: High Skilled-II,
O/o. the Commanding Officer,
INS Eksila, Mulagada Area,
Mandi Post, Visakhapatnam ó 530 012.
2. G. Nageswara Rao, S/o. G. Murali Krishna Murthy,
Aged 37 years, Occ: High Skilled-II,
O/o. the Commanding Officer,
INS Eksila, Mulagada Area,
Mandi Post, Visakhapatnam ó 530 012.
3. P. Visweswara Rao, S/o. P. Naganna, aged 37 years,
Occ: High Skilled-II, O/o. the Commanding Officer,
INS Eksila, Mulagada Area,
Mandi Post, Visakhapatnam ó 530 012.
4. K. Naveen Kumar, S/o. K.A.N.Rao Patnaik, aged 34 years,
Occ: Skilled, O/o. the Commanding Officer,
INS Eksila, Mulagada Area,
Mandi Post, Visakhapatnam ó 530 012.

... Applicants

(By advocate: Mr. K.R.K.V. Prasad)

Vs

1. Union of India rep. by
The Secretary, Ministry of Defence,
Government of India, South Block,
New Delhi.
2. The Chief of Naval Staff,
Integrated Headquarters,
New Delhi.
3. The Flag Officer, Commanding-in-Chief,
Headquarters, Eastern Naval Command,
Visakhapatnam.
4. The Commanding Officer, INS Ekasila,
Mulagada Area, Mandi Post,
Visakhapatnam ó 530 012.

... Respondents

(By advocate: Mrs. K. Rajitha, Sr. CGSC)

O R D E R (ORAL)

Hon'ble Mr. Ashish Kalia, Judl. Member

The instant O.A. is filed seeking the following reliefs:



“.....to call for the records pertaining to Staff Minute Sheet Ref. No.CE/204/06/IND dated 2.1.2014 inter alia conveying the decision of rejection received vide HQENC letter CE/2010/07/Eksila dated 27.12.2013 and set aside and quash the same, duly declaring the action of the respondents in not conferring the benefit of appointment to the applicants in the appropriate grade of Tradesman High Skilled-II in consonance with the Presidential sanction order from the date of the initial appointment of the applicants as illegal, arbitrary, discriminatory and is in violation of the law already decided and accordingly direct the respondents to confer the benefit of appointment to the applicants in the appropriate grade of Tradesman High Skilled from the date of their initial appointment and allow all consequential benefits.”

2. The brief facts of the case are that the applicants are working in the grade of Tradesman-Skilled and Presidential sanction has been granted for those who are eligible for appointment to the Grade of HS-II. The case of the applicants falls under that. They made a representation to the competent authority on 12.07.2013, which was rejected by impugned order dated 02.01.2014.

3. Notice was issued and the respondents filed reply stating that as per the then prevailing SRO 338/79, the post of Tradesman (Skilled) was to be filled by direct recruitment and the post of Highly Skilled was to be filled by promotion. It is further stated that all appointments to the grade of Skilled and Highly Skilled were made as per the provisions of SRO.

4. Heard Sri KRKV Prasad, learned counsel for the applicants and Smt. K. Rajitha, learned Senior Standing Counsel appearing for the respondents, at length.

5. Learned counsel for the applicants placed reliance upon the order dated 12.03.2001 of this Tribunal in O.A. No.1932/2000 wherein this Tribunal had considered in detail all these issues as under:



“4. Since the applicants are also working in Naval Dockyard, they should be paid in the scale of Rs.1200-1800 w.e.f. 20.04.1993.

5. The respondents also take the plea of limitation. In view of MR Gupta vs Union of India (AIR 1996 SC 669) it has been clearly stated that limitation will not be applicable where the cause of action is continuous cause of action in the case of fixation of scale of pay where the employees will be paid salary every month. Hence, the OA cannot be rejected on the ground of limitation. However, as the applicants came to this Court after several years of the proceedings dated 20.4.1993, they are not entitled for arrears. They are however entitled for fixation of their pay scales w.e.f. 24.2.1992 in the scale of Rs.1200-1800/-.”

6. The above mentioned O.A. was decided in favour of the applicants. Thereafter, the department has filed Writ Petition before the Honøble High Court of Andhra Pradesh. After considering all the contentions of the respondents, the Honøble High Court dismissed the Writ Petition. Thus, the order of the Tribunal assumed finality. We see no reason not to extend the benefit of the order of this Tribunal in O.A. No.1932/2000 to the applicants in the present O.A. Accordingly, the respondents are directed to confer the benefit of appointment to the applicants in the appropriate grade of Tradesman High Skilled from the date of their initial appointment with all consequential benefits, within 90 days from the date of receipt of a copy of this order.

7. With the above direction, the O.A. is allowed. No order as to costs.

(B.V. SUDHAKAR)
ADMN. MEMBER

(ASHISH KALIA)
JUDL. MEMBER

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