

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00251/2019

Wednesday, this the 23rd day of September 2020

C O R A M :

**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER
HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER**

1. K.Balakrishnan,
Aged 63 years,
S/o.late C.Narayanan Nair,
Retired Technical Assistant (PPC), NSRY, Kochi.
Residing at House No.15, Padmapriya,
Pratheeksha Nagar, Thoppumpady,
Kochi – 682 005.
2. N.G.George Paul,
Aged 62 years,
S/o.N.G.George,
Retired Chargeman (EGF), NSRY, Kochi.
Residing at Nilavareth House,
PC Road, Kaloore, Kochi – 682 017.
3. P.K.Gopalakrishnan Achari,
Aged 71 years,
S/o.late N.Kesavan Achari,
Retired Senior Chargeman (Shipwright), NSRY, Kochi.
Residing at Palackal House, Puliyoore P.O.,
Chengannoor, Alappuzha – 689 510.
4. T.Balakrishnan Achari,
Aged 75 years,
S/o.late R.Thangappan Achari,
Retired Senior Chargeman (Shipwright), NSRY, Kochi.
Residing at Puthiya Madam, Nettoore P.O.,
Ernakulam – 682 040.
5. M.J.Sasidharan Achari,
Aged 68 years,
S/o.late P.Janardhanan Achari,
Retired Chargeman I (Shipwright), NSRY, Kochi.
Residing at Alapurath House, Venmony P.O.,
Chengannoor, Alappuzha – 689 509.

6. P.Premamadhavan,
Aged 61 years,
S/o.late K.Narayanan Nair,
Retired Foreman (Shipwright), NSRY, Kochi.
Residing at Sreepriya, Kainath Road,
Vattekkunnam, Edappaly North, Kochi – 682 024.
7. P.K.Poly,
Aged 63 years,
S/o.late P.P.Kochapu,
Retired Chargeman (EGF), NSRY, Kochi.
Residing at Petta House, SR-69, Sobha Road,
Pipeline, Palarivattom, Kochi – 682 025.
8. N.X.Xavier,
Aged 66 years,
S/o.late N.C.Xavier,
Retired Chargeman (Ship Fitter), NSRY, Kochi.
Residing at Nankeril House, Kumbalanghy,
Kochi – 682 007.
9. P.J.George,
Aged 63 years,
S/o.late P.T.John,
Retired Foreman (EGF), NSRY, Kochi.
Residing at Padiyara House, Shanthi Nagar,
Thevara P.O., Kochi – 682 013.
10. T.A.Krishnan,
Aged 64 years,
S/o.late T.A.Raran,
Retired Foreman (Welder), WOT, Kochi.
Residing at Krishnasmrithy, Nettoor P.O.,
Nettoor North, Kochi – 682 040.
11. T.G.Revi,
Aged 61 years,
S/o.late T.R.Gopalan,
Retired Foreman (Plater), NSRY, Kochi.
Residing at Thondiparambil House, Karicode,
Mulanthuruthy P.O., Kochi – 682 314.
12. P.G.Sadanandan,
Aged 61 years,
S/o.late P.V.Gangadharan,
Retired Foreman (ICE), NSRY, Kochi.
Residing at Poyyapparambil House,
East Koratty P.O., Chirangara, Trichur – 680 308.

13. P.V.Raju,
Aged 63 years,
S/o.late P.P.Varkey,
Retired Technical Assistant (Engineering), NSRY, Kochi.
Residing at Pulayath House, Kakkad Kara,
Thiruvankulam, Mamala P.O., Kochi – 682 305.
14. A.P.Mathaikunju,
Aged 61 years,
S/o.late A.V.Paulose,
Retired Technical Assistant (Electrical), WOT, Kochi.
Residing at Areeckal House, Cheriya Vappalassery,
Angamaly South P.O., Ernakulam – 683 579.
15. K.E.Joseph,
Aged 61 years,
S/o.late K.P.Enasu,
Retired Foreman (Plater), NSRY, Kochi.
Residing at Kachappilly House, Mallussery,
Vattapparambu P.O., Ernakulam – 683 579.
16. V.P.George,
Aged 65 years,
S/o.late Markose Pyli,
Retired Chargeman (Power), NSRY, Kochi.
Residing at Vazhakkuzhithadathil House,
Kadakkanad P.O., Kolenchery, Ernakulam – 682 311.
17. K.G.Jose,
Aged 61 years,
S/o.late Geevarghese,
Retired Foreman (Weapon), NSRY, Kochi.
Residing at Kachappilly House, Champanoor,
Angamaly South P.O., Ernakulam – 683 573. ...Applicants

(By Advocate Mr.S.Radhakrishnan)

v e r s u s

1. Union of India
represented by the Secretary,
Ministry of Defence, New Delhi – 110 001.
2. Flag Officer Commanding in Chief, Headquarters,
Southern Naval Command, Kochi – 682 004
represented by the Chief Staff Officer
(Personnel and Administration).

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3. Admiral Superintendent,
Naval Ship Repair Yard, Kochi – 682 004.
represented by the Senior Manager,
(Personnel and Administration).
4. Warship Production Superintendent,
Warship Overseeing Team, Kochi – 682 015.
5. Joint Controller of Defence Accounts,
Area Accounts Office,
Varghese Thettayil Road, Kochi – 682 015. ...Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil, SPCGC)

This application having been heard on 21st September 2020, the Tribunal on 23rd September 2020 delivered the following :

ORDER

Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER

The applicants (17 in number) are all retired from service. They worked in Naval Ship Repair Yard/Warship Overseeing Team under the Southern Naval Command, Kochi during different periods. They want the benefits granted to identically placed Senior Chargemen in Naval Armament Supply Organization (NASO), in tune with the declaratory judgment of the Hon'ble High Court of Kerala in O.P.(CAT) No.271/2016 and O.P.(CAT) No.213/2017 to be given to them as they are identically situated as that of the petitioners in the aforesaid Original Petitions. They are aggrieved by the inaction on the part of the respondents in not extending the benefits of the aforesaid judgment to them and confining it only to the petitioners in the above judgment. They have filed this O.A seeking the following reliefs :

- a. Call for the records connected with the case.
- b. Declare that the respondents ought to have extended the benefits granted by Annexure A-2 judgment to all similarly situated persons including the applicants.

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c. Declare that the applicants are entitled to get the enhanced salary of Rs.5500-9000/- with the subsequent revisions during the period they had worked as Senior Chargemen in the Navy.

d. Declare that the applicants are entitled to get the arrears of salary on revision with all consequential benefits including up-gradation to next higher pay scales on subsequent promotions they have attained and consequent revision of pension and other retirement benefits.

e. Direct the respondents to grant the revised salary in the scale of pay of Rs.5500-9000/- during the period they had worked as Senior Chargemen in the Navy, including up-gradation to next higher pay scales on subsequent promotions they have attained and consequent revision of pension and other retirement benefits.

f. Grant such other reliefs as this Hon'ble Tribunal may deem fit, just and proper in the facts and circumstances of the case.

2. It has been stated in the reply by the respondents that the competent authority vide letter CPT(L)/8000/OA No.251/2019 dated 18.7.2019 has intimated that the Ministry of Defence is contemplating to extend the benefits of the judgment of Hon'ble High Court of Kerala at Annexure A-2 in O.P.(CAT) No.271/2016 and O.P.(CAT) No.213/2017 to all the similarly placed civilian personnel of Navy. Accordingly, the IHQ of the Ministry of Defence (N) have requested all command Headquarters to compile the relevant data and forward the same. The respondents have mentioned in the reply that the matter is still under consideration of the competent authority and orders on extension of benefits of the judgment of the Hon'ble High Court are awaited. It appears that the case has been processed by the respondents in the relevant channels of the organization and it is only the final approval of the competent authority that is now required for issue of orders for extending the benefits of Annexure A-2 judgment to the similarly situated non petitioners. It is submitted that until the approval of the competent authority is received, the benefits sought by the applicants cannot be granted.

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3. It appears from the above averments that the respondents are actively considering the grant of the benefits and only the final approval is required. The respondents have not disputed the claim put forward by the applicants. Since the applicants are also similarly situated, they are also entitled to get the benefits of the decision of the Hon'ble High Court of Kerala in M.E.Uthama Kurup v. Union of India & Ors. [O.P.(CAT) No.271/2016] dated 20.7.2017 (Annexure A-2). The respondents shall take a decision and communicate the same to the applicants within a period of six months from the date of receipt of a copy of this order. O.A is allowed to that extent. No costs.

(Dated this the 23rd day of September 2020)

K.V.EAPEN
ADMINISTRATIVE MEMBER

P.MADHAVAN
JUDICIAL MEMBER

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List of Annexures in O.A.No.180/00251/2019

- 1. Annexure A-1 series** – True copies of the Memo No.CS2695/43/1768 dated 16.1.2019 and 31.1.2019 issued by the 2nd respondent to different applicants.
 - 2. Annexure A-2** – A copy of the common judgment dated 20.7.2017 passed by the Hon'ble High Court of Kerala in OP (CAT) 271/2016 and OP (CAT) 213/2017.
 - 3. Annexure A-3** – A copy of the Circular No.CP(p)8416/6th CPC Policy dated 22.1.2014.
 - 4. Annexure A-4** – A copy of the above referred letter no.A/01/2690/01 dated 4.3.2014.
 - 5. Annexure A-5** – A copy of the above said Memo dated 19.5.2014.
 - 6. Annexure A-6 series** – True copies of the representations submitted by the applicants to the Admiral Superintendent, NSRY/WOT.
 - 7. Annexure R-1** – A copy of the HQ SNC letter CS 2695/43/1827 dated 24.6.2019.
 - 8. Annexure R-2** – A copy of the IHQ letter CPT(L)/8000/OA No.251/2019 dated 18.7.2019.
 - 9. Annexure R-3** – A copy of the IHQ letter CPT(L)/8000/OA No.251/2019 dated 14.10.2019.
 - 10. Annexure R-4** – A copy of the HQSNC letter SC 2695/43/1827 dated 25.11.2019.
 - 11. Annexure R-5** – A copy of the HQSNC letter SC 2695/43/1827 dated 20.1.2020.
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