

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**ERNAKULAM BENCH**

**Original Application No. 180/00382/2020**

**Wednesday, this the 19<sup>th</sup> day of August, 2020**

**CORAM:**

**Hon'ble Mr. P. Madhavan, Judicial Member**

**Hon'ble Mr. K.V. Eapen, Administrative Member**

1. Smt Indira Ravindran, W/o P.N.R Pillai, aged 57, AAO, Office of the Garrison Engineer (Project) (Naval Works), Katari Bagh, Naval Base P.O., Kochi- 682004, residing at House No. 57/4, Panikedath House, Indira Nagar, Ayyanthole, Chungam, Thrissur - 680003. PH:8136900871
2. P.N Sathyabhama, W/o Thampi C.K., aged 55, Assistant Administrative Officer, Office of the Commander Works Engineer (Naval Works), Kataribagh, Naval Base P.O., Kochi – 682 004, residing at Champekattil House, South Parur, Udayamperoor, Ernakulam. PH:9895434517
3. K.P Devayani, W/o Shri. Padmanabhan . N, aged 57, Assistant Administrative Officer, O/o the Garisson Engineer, Command Test Lab, Kataribagh, Naval Base P.O., Kochi-682 004, residing at Nayakkara House, Nettoor Post, Ernakulam-682040. PH:8078276503
4. P.V Francis, S/o Late P.P Vareed, aged 57, Assistant Administrative Officer, O/o the Chief Engineer (Naval Works), Kataribagh, Naval Base P.O., Kochi-682004, residing at Pallikunnath House, Kanjany Post Thrissur District-680612.PH:9400503611
5. Smt. Money R, W/o Shri. K. Viswanathan, aged 58 years, Assistant Administrative Officer, O/o the Chief Engineer (Naval Works) Kataribagh, Naval Base P.O, Kochi-682004, residing at House No. CC20/211, Palluruthy, Kochi-682006. PH:9497686532
6. Shri. P.A George, Assistant Administrative Officer, S/o Late P. V. Augustine, aged 56, O/o Chief Engineer (Naval Works), Kataribagh, Naval Base P.O., Kochi – 682 004, residing at House No. 11/3014, Cosmos Road, Near Parry Junction, Thoppumpady, Kochi – 682 005. PH:9446716404

7. N. Radhakrishna Pillai, Assistant Administrative Officer, S/o Late K. Nanu Pillai, aged 59, O/o Garrison Engineer (Project), Kataribagh, Naval Base P.O., Kochi – 682 004, residing at KavanattuPuthenVeedu, Panayam Post, Perinad, Kollam – 691 601. PH:9495165020
8. V. GirijaKumari, Assistant Administrative Officer, W/o Mohandas P.C., aged 56, O/o Garrison Engineer (Naval Services), Kataribagh, Naval Base P.O., Kochi – 682 004, residing at Dhanoos, Edappally North Post, Kochi – 682 024. PH:7012278080
9. Lali Pappy, Senior Administrative Assistant, W/o Late M. John Thomas, aged 59, O/o Garrison Engineer (Naval Works), Kataribagh, Naval Base P.O., Kochi – 682 004, residing at House No. 18/2142-B, MenathuBezleeal House, Kochupally Road, Thoppumpady, Kochi-682005. PH:9496229845
10. M.P Valsala, Assistant Administrative Officer, W/o Late K.P Vijayakumar, aged 58, O/o the Assistant Garrison Engineer (I), HQ Hospital Post, Kannur - 670017, residing at Vijay Vihar, Palakulangara, ThaliparumbuTaluk, Kannur – 670141. PH:9746460805
11. S.Pushparajan, Senior Administrative Assistant (Retired),O/o. Commander Works (NW), Kochi aged 61, residing at Vilayil Tharayil House, (Darshanam), Nedumonkavu Post, via Koodal, Pathanamthitta – 689 693. PH:9447609748
12. Valsa Thomas, Assistant Administrative Officer, W/o Shri. K.A. Thomas, aged 55, O/o the Chief Engineer (Naval Works), Kataribagh, Naval Base P.O., Kochi-682004, residing at Kaitharam House, PWD Road, Nettoor P.O., Ernakulam – 682040. PH:9447825437
13. Shirley Mathew, Assistant Administrative Officer, W/o P.C Mathew, aged 57, O/o the Garrison Engineer (Naval Works), Kataribagh, Naval Base Post, Kochi-682 004, residing at House No. XXVI-516 Friends Nagar, Konthuruthy, Thevara Post, Kochi-682013. PH:9037077398
14. M.K. Babu, S/o Late M.E Krishnan, aged 58, Assistant Administrative Officer, O/o of the Chief Engineer (NW), Kochi, residing at Maliakattil, Attupuram, Ayroor Post – 683579. PH:8281429627.

15. K.J. Vinod, S/o late K.A Janardhanan, aged 61 years, Assistant Administrative Officer (Retired), O/o.CW(NW), Kochi, residing at Kottapurath House, No. 15/513-A, Athipozhy-Soudi Road, Mundamveli Post, Kochi-682507. PH:9446455682
  16. Philomina Philip, W/o P.O. Philip, aged 61 years Assistant Administrative Officer (Retired), O/o. CW(AF), Trivandrum, residing at Panchiyil House, East Kallada P.O., Kollam-691502.
- ..... **Applicants**

**(By Advocate : Mrs. Jishamol Cleetus)**

**V e r s u s**

1. Union of India represented by its Secretary, Government of India, Ministry of Defence, New Delhi-110001.
  2. The Engineer in Chief, Military Engineer Services, Engineer in Chief's Branch, Army Head Quarters, Kashmir House, DHQ Post New Delhi – 110 011.
  3. The Chief Engineer, Military Engineer Services, Headquarters, Southern Command, Pune-400001.
  4. The Chief Engineer (Naval Works), Military Engineer Services, Naval Base P.O., Kochi – 682 004.
  5. The Controller of Defence Accounts, Thenapatt, Chennai-18.
  6. The Command Works Engineer (Naval Works), Kataribagh, Naval Base Post, Kochi-682 004.
  7. The Garrison Engineer (Project), Kataribagh, Naval Base Post, Kochi – 682 004.
- ..... **Respondents**

**(By Advocate : Mr. V.A. Shaji, ACGSC)**

This application having been heard on 19.08.2020 through video conferencing, the Tribunal on the same day delivered the following:

**ORDER (Oral)**

**Hon'ble Mr. P. Madhavan, Judicial Member –**

Heard Advocate Mrs. Jishamol Cleetus appearing for the applicant and Advocate Mr. V.A. Shaji, ACGSC appearing for the respondents through video

conferencing.

2. The applicants are aggrieved by the incorrect fixation of their pay in the revised Pay Band on grant of the 2<sup>nd</sup> financial upgradation under the ACP scheme without giving them the benefit of upgradation to the pre-revised scale of pay of Rs. 6,500-10,500/- in accordance with Rule of CCS (RP) Rules, 2008 read with Government of India decision dated 13.10.2008. They submitted their representations to the competent authority but the same are still pending consideration with the respondents. Hence, the applicants filed this OA seeking the following reliefs:

*“(i) To declare that the applicants are entitled to get their higher grade fixed as per Rule 13 of the CDS (RP) Rules, 2008 by reckoning the minimum of the revised pay scale implemented as and when they become eligible of 2<sup>nd</sup> ACP i.e. between 1.1.2006 and 31.8.2008.*

*(ii) Direct the respondents to refix the pay of the applicants in accordance with Rule 13 of CDS (RP) Rules, 2008 as per fitment table S-12 and to release the arrears of salary and other service benefits with effect from 1.1.2018 with in a time limit to be fixed by this Honourable Tribunal.*

*(iii) Such other relief as may be prayed for and this Honourable Tribunal may deem fit to grant,*

*(iv) Grant the cost of this Original Application.”*

**3. When the matter came up for consideration it appears that Annexures A5 to A15 representations filed by the applicants are still pending consideration with the respondents. Since the remedies are not fully exhausted by the applicants, we direct the respondents to consider and dispose of Annexures A5 to A15 representations filed by the applicants in the light of relevant rules, regulations and court orders**

**and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.**

4. The OA is disposed of as above at the admission stage itself. No costs.

**(K.V. EAPEN)**  
**ADMINISTRATIVE MEMBER**

**(P. MADHAVAN)**  
**JUDICIAL MEMBER**

**“SA”**

**Original Application No. 180/00382/2020**

**APPLICANT'S ANNEXURES**

- Annexure A1:** A true copy of the relevant portions of Part B, Section I and Section II of the CCS (Revised Pay) Rules, 2008
- Annexure A2:** A true copy of the relevant Rule 13 of CCS (RP) Rules 2008
- Annexure A3:** A true copy of the relevant portions of MACP Rules para 6 of Annexure I dated 19/5/2009
- Annexure A4:** True copy of the order dated 14/11/2019 in O.A 180/00663/2015
- Annexure A5:** True copy of the representation dated 5/12/2019 submitted by the 1<sup>st</sup> applicant.
- Annexure A6:** True copy of the representation dated 5/12/2019 submitted by the 2<sup>nd</sup> applicant
- Annexure A7:** True copy of the representation dated 5/12/2019 submitted by the 3<sup>rd</sup> applicant
- Annexure A8:** True copy of the representation dated 5/12/2019 submitted by the 4<sup>th</sup> applicant
- Annexure A9:** True copy of the representation dated 5/12/2019 submitted by the 5<sup>th</sup> applicant
- Annexure A10:** True copy of the representation dated 5/12/2019 submitted by the 6<sup>th</sup> applicant
- Annexure A11:** True copy of the representation dated 6/12/2019 submitted by the 7<sup>th</sup> applicant
- Annexure A12:** True copy of the representation dated 2/12/2019 submitted by the 8<sup>th</sup> applicant
- Annexure A13:** True copy of the representation dated 4/12/2019 submitted by the 9<sup>th</sup> applicant
- Annexure A14:** True copy of the representation dated 9/12/2019 submitted by the 10<sup>th</sup> applicant
- Annexure A15:** True copy of the representation dated 5/12/2019 submitted by the 11<sup>th</sup> applicant
- Annexure A16:** True copy of the representation dated 4/12/2019 submitted by the 12<sup>th</sup> applicant

**Annexure A17:** True copy of the representation dated 4/12/2019 submitted by the 13<sup>th</sup> applicant

**Annexure A18:** True copy of the representation dated 5/12/2019 submitted by the 14<sup>th</sup> applicant

**Annexure A19:** True copy of the representation dated 4/12/2019 submitted by the 15<sup>th</sup> applicant

**Annexure A20:** True copy of the representation dated 18/03/2019 submitted by the 16<sup>th</sup> applicant

**RESPONDENTS' ANNEXURES**

Nil

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