

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00559/2020

Tuesday, this the 24th day of November, 2020

CORAM:

Hon'ble Mr. P. Madhavan, Judicial Member
Hon'ble Mr. K.V. Eapen, Administrative Member

Asok Kumar P., aged 57 years, S/o. Padmanabhan Nair,
 Foreman, Head Heavy Electricals, Naval Ship Repair Yard,
 Naval Base, Kattaribagh, Kochi-4, residing at Patheeparambil,
 Kallara (S) PO, Kottayam District,
 Mobile – 9400786150. **Applicant**

(By Advocate : Mr. R. Sreeraj)

V e r s u s

1. Union of India, represented by its Secretary to the Government of India, Ministry of Defence, New Delhi – 110 001.
2. The Flag Officer Commanding in Chief, Headquarters, Southern Naval Command, Naval Base, Kochi-4.
3. Chief Staff Officer (P&A), Headquarters, Southern Naval Command, Naval Base, Kochi-4.
4. The Director, Principal Controller of Defence Accounts (Navy), (Pay Section), No. 1 Cooperage Road, Mumbai – 400001. **Respondents**

(By Advocate : Mr. Rajagopal L.K., ACGSC)

This application having been heard on 24.11.2020 through video conferencing, the Tribunal on the same day delivered the following:

O R D E R (Oral)

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

Heard Advocate Shri R. Sreeraj appearing for the applicant and Shri Rajagopal L.K., ACGSC appearing for the respondents through video conferencing.

2. The applicant is aggrieved by the incorrect fixation of his pay by the respondents while implementing the Revised Pay Rules which results in a perpetual injury to him by denying him the correct salary and allowances throughout his service adversely affecting his pension and other retiral benefits on his eventual retirement from service. He has filed the present OA seeking the following reliefs:

“1) Direct the respondents to fix the initial pay of the applicant in the Pay Band PB 2 Rs. 9300-34800 with Grade Pay Rs. 4200 after fixing his pay in the upgraded scale of pay of Rs. 6500-10500 as on 1.1.2006 and grant him all consequential benefits including arrears, fixation of pay in the appropriate pay matrix at the appropriate level as per the recommendations of the 7th CPC etc.

2) Such other relief as may be prayed for and this Hon’ble Tribunal may deem fit to grant.

3) Grant the cost of this Original Application.”

3. When the matter came up for consideration, it appears that Annexures A6 and A7 representations filed by the applicant are still pending with the respondents and no order has been passed by the respondents on it. The applicant seeks a relief on the basis of the order passed by this Tribunal on 3.4.2018 in OA No. 180/569/2014 (Annexure A5).

4. Hence, in view of the limited relief sought by the applicant, we feel it appropriate to dispose of this OA without going into the merits of the case by directing the competent authority to consider Annexures A6 and A7 representations filed by the applicant in the light of the relevant rules and regulations and on the basis of the principles laid down by this Tribunal on 3.4.2018 in OA No. 180/569/2014 (Annexure A4) and pass a

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

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

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

**(P. MADHAVAN)
JUDICIAL MEMBER**

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APPLICANT'S ANNEXURES

- Annexure A1** – True photo copy of the Gazette of India Extra Ordinary Part ‘B’ (Revised Pay Scales for certain common category of staff, Section-I).
- Annexure A2** – True copy of the OM F. No. 1/1/2008-IC dated 13.9.2008 (Clarifications on CCS (Revised Pay) Rules, 2008) issued by the Government of India, Ministry of Finance, Department of Expenditure (Implementation Cell).
- Annexure A3** – True copy of the Government of India, Ministry of Finance, Department of Expenditure, Implementation Cell, Office Memorandum F. No. 1/1/2008-1C dated 13.11.2009.
- Annexure A4** – True copy of the Statement of Fixation of Pay of the applicant.
- Annexure A5** – True copy of the final order dated 3.4.2018 in OA 569/2014 on the file of this Hon’ble Tribunal.
- Annexure A6** – True copy of the representation dated 6.8.2018 submitted by the applicant.
- Annexure A7** – True copy of the reminder dated 13.5.2019 submitted by the applicant.
- Annexure A8** – True copy of the final order dated 25.3.2019 in OA 210/2019 on the file of this Hon’ble Tribunal.

RESPONDENTS' ANNEXURES

Nil

-X-X-X-X-X-X-X-