

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00112/2021

Wednesday, this the 3rd day of March, 2021

C O R A M :

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER

1. P.P Sebastian, S/o.P.R.Paily, aged 59 years
C.T.O (Mech)
Presently working at Controllerate of Naval Armament Inspection
(South) N.A.D P.O, Aluva – 683 563
Residing at Pallassery House, Door No.1115 H 550
Edappally, P.O, Ernakulam – 682 024

2. T.P.Girishkumar, S/o.K.R.Gopalan Nair, Aged 54 years
Foreman, Ammunition and Explosive/Gazetted
Presently working at Controllerate of Naval Armament Inspection
(South) N.A.D P.O, Aluva – 683 563
Residing at Ayudh Vihar, NAD Colony P-59, NAD P.O Aluva 683 563
Permanent residence at Gireesh's Post
Kurikkilad, Vai Vadakara – 4
Kozhikode – 683 536

...Applicants

(By Advocate Mr.Rajesh Rajagopala Pillai)

v e r s u s

1. Union of India
Represented by the Secretary to Government of India
Ministry of Defence, New Delhi – 110 001

2. The Chief of Naval Staff
Naval Headquarters, Integrated Headquarters
Ministry of Defence (Navy)
RK Puram, New Delhi – 110 011

3. The Director of Civilian Personnel Services
Directorate of Civil Personnel Services
Integrated Head Quarters
Ministry of Defence (Navy), New Delhi – 110 001

4. Director General of Naval Armament Inspection
Directorate General of Naval Armament Inspection
Integrated Head Quarters, Ministry of Defence (Navy)
West Block V, Wing No.1 (FF)
R.K Puram, New Delhi – 110 066
5. The Flag Officer Commanding in Chief
Headquarters, Southern Naval Command
Naval Base, Kochi, Ernakulam – 682 004
6. The Controller of Naval Armament Inspection (South)
Controllerate of Naval Armament Inspection
NAD (P.O),
Aluva, Ernakulam 683 563

....Respondents

(By Advocate : Mr.C.Rajendran,SCGC)

This application having been heard on 3.3.2021, this Tribunal, on the same day delivered the following :

ORDER (ORAL)

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

This is an Original Application filed seeking the following reliefs:

" i) *This Hon'ble Tribunal be pleased to direct the respondents to grant all the applicants in this O.A the pay scale of Rs.5500-9000 in the post of erstwhile Senior Chargeman now designated as Chargeman with effect from 1.1.1996 with all further consequential benefits following there from including payment of complete arrears thereof at the earliest possible time frame to avoid further loeses to the applicants.*

ii) *To declare that the applicants are entitled to get interest at the rate of 12% per annum on the belated payment of their pay;*

iii) To direct the respondents to consider and pass orders on Annexures A9 and A16 in the light of Annexures A4 and A6 as expeditiously as possible.

iv) Such other orders be passed as the facts and circumstances of the case may require. "

2. It is submitted by counsel for the applicants that this is a matter which is squarely covered by Annexure A-4 decision of the Hon'ble High Court in ***M.E.Uthama Kurup v. Union of India and others*** in OP(CAT) No.271/2016. Counsel for the applicants submits that the applicants will be satisfied if their case is considered by the competent authority in the light of above decision laid down by the Hon'ble High Court as the facts are similar in this O.A also. In that case the Hon'ble High Court of Kerala set aside the order of this Tribunal in O.A No.1149/2014 and ordered as follows:

" We find it appropriate to direct the Directorate to reconsider the matter in the light of their own findings as given in Annexure A11 and to pass appropriate orders with reference to the financial implications forwarded to them by the Flag Officer Commanding in Chief, Kochi, as per Annexure A12 and to pass appropriate orders for rectification of the anomaly at the earliest, at any rate within three months from the date of receipt of a copy of this judgment. Both the Original Petitioners are allowed to the said extent. "

3. In view of the above limited submission, without going into the merits of this matter, the competent authority is directed to consider the case of the

applicants also in the light of the judgement of the Hon'ble High Court of Kerala in *M.E.Uthama Kurup's* case, if the applicants are also similarly placed and situated. This shall be done within a period of three months from the date of receipt of a copy of this order.

4. The Original Application 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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List of Annexures

- Annexure A1 - A true copy of the relevant portion of Vth CPC report
- Annexure A2 - True copy of the letter CP(P) /8416/VI CPC Policy dated 21.01.2014 of the 3rd respondent
- Annexure A3 - A true copy of the letter No.CP(P)/8416/VI CPC/TSS dated 15.10.2014 issued by the 3rd respondent
- Annexure A4 - True copy of the judgment of the Hon'ble High Court of Kerala dated 20.7.2017 in O.P (CAT) No.271/2016 and connected cases
- Annexure A5 - True copy of the letter No.CPT(L)/8000/OP(CAT) 271/2016 and OP(CAT)213/2017/83/US(MP)/D (N-II)/2018 dated 16.10.2018 of the 1st respondent
- Annexure A6 - True copy of the order dated 17.01.2019 in O.A No.180/00255/2015 of the Hon'ble C.A.T Ernakulam Bench
- Annexure A7 - The copy of the letter No.CPT(L)/8000/OA No.255/2015/81CC/US(MP)/D(N-II)/2019 dated 16 Dec 2019 of the 1st respondent
- Annexure A8 - True copy of the letter No.MoD ID No.4(5)/D(CMU)/2018 dated 07 Sep 18 issued by Director (MIS) on behalf of the 1st respondent
- Annexure A9 - True copy of the representation filed by the 1st applicant.
- Annexure A10 - True copy of the representation filed by the 2nd applicant
- Annexure A11 - A true copy of the order No.CPT(L)/1100/OA-514/2015/138/O/oD(N-II) 2019 dated 26.10.2020 issued by the first respondent
- Annexure A12 - A true copy of the letter No.CPT(L) /1100/O.A No.514/2015 dated 29.10.2020 issued by the 3rd respondent.

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