

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/703/2020

HYDERABAD, this the 5th day of November, 2020

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



M. Narayana, S/o. Late M. Sangyam,
Aged about 57 years, Occ: Foreman 'B',
R/o. H.No.18-1-337/219/77/A,
Sanker bagh, New Rakshya Puram Colony,
Hyderabad – 500 053.

...Applicant

(By Advocate : Smt. Anita Swain)

Vs.

1. The Union of India rep. by its Secretary, Ministry of Defence, South Block, New Delhi – 110 011.
2. The Chief of Naval Staff, IHQ, Integrated Headquarter, Ministry of Defence, Sena Bhavan, South Block, New Delhi – 110 011.
3. The Director of Civilian Personnel, Integrated Headquarters, Ministry of Defence, (Navy), Talkatora Stadium Annex Building, New Delhi – 110 011.
4. The inspector General of Naval Armament Inspection, Integrated Headquarters, Ministry of Defence, (Navy), West Block-V, Wing 1 FF, R.K. Puram, New Delhi – 110 066.
5. The Flag Officer Commanding-in- Chief, For CCPO, Headquarters, Eastern Naval Command, Visakhapatnam – 530 014.
6. The Controller, Controllerate of Naval Armament (DP), Naval Armament Inspection, Kanchan Bagh, Hyderabad.

....Respondents

(By Advocate: Sri V. Venu Madhava Swamy, Addl. CGSC)

ORAL ORDER
(As per Hon'ble Mr. B.V. Sudhakar, Admn. Member)

Through Video Conferencing:

2. The OA is filed for grant of the pay scale of Rs.5500-9000 on par with similarly situated employees.

3. Brief facts of the case are that the applicant joined the Naval Armament Inspection Organization (NAIO) as Examiner on 1.10.1988 and was later promoted as Senior Chargeman (Ammunition). With the implementation of the 5th CPC, the Senior Chargeman of NAIO were re-designated as Chargeman –II and granted pay scale of Rs.5000- 8000 w.e.f. 1.1.1996 instead of pay scale of Rs.5500- 9000, whereas Senior Chargeman (AWS) of Naval Armament Supply Organization (NASO) were granted pay scale of Rs.5500–9000 and re-designated as Chargeman (AWS) w.e.f. 1.1.1996. This has resulted in an anomalous situation in respect of pay fixed between Chargeman of NASO and NAIO. To remove the anomaly, respondents reduced the pay scale of Senior Chargeman of NASO from Rs.5500 -9000 to Rs 5000-8000 in the year 2008 which led to long lasting litigation in regard to the issue in various judicial fora and due to court intervention, the pay scale of the Chargeman of NASO was restored to Rs.5500 – 9000 in 2009. Resultantly, 3rd respondent sent a proposal to the 2nd respondent to rectify the pay anomaly existing among the Chargeman belonging to NAIO and Naval Dockyard and other wings by upgrading their pay scale from Rs.5000-8000 to Rs.5500-9000 on par with NASO on 21.1.2014. Different Commands were directed to indicate the financial implications in implementing the proposal. After obtaining the proposal, the

second respondent rejected the proposal on 15.10.2014. Aggrieved similarly situated employees of NSRY Kochi filed a case before the Hon'ble High Court of Kerala for granting pay scale of Rs.5500-9000 from 1.1.1996 on par with NASO employees which was allowed vide OP (CAT) Nos.213/2017 & 271/2016 on 20.7.2017. However, the relief was restricted only to the petitioners in the writ petition. OA 514 of 2015 filed by similarly placed employees before the Hon'ble Mumbai Bench of this Tribunal was allowed on 28.3.2019 and implemented too. The Hyderabad Bench has also allowed OA 1259/2018 filed by similarly placed employees on 24.10.2019. Therefore, legal notice was issued on 27.10.2020 which was not responded to.

4. The contentions of the applicant are that non grant of relief sought is violative of Articles 14, 16 and 21 of the Constitution of India. Applicant has been discriminated by granting relief to employees similarly placed and not to him.

5. Heard both the Counsel and perused the pleadings on record. Judicial orders are to be implemented is the contention of the Ld. Counsel for the applicant.

6. The issue is about grant of pay scale of Rs.5500-9000 to the applicant as was granted to similarly placed employees by the respondents. Similarly situated employees of NSRY Kochi agitated before Hon'ble High Court of Kerala by filing OP (CAT) Nos.213/2017 & 271/2016 which were allowed on 20.7.2017 by granting pay scale of Rs.5500-9000 from 1.1.1996 on par with NASO employees. Similarly, this bench allowed OA 1259/2018 in respect of the issue on hand on 24.10.2019. Applicant has got

issued a legal notice to the respondents on 27.10.2020 which is not disposed till date. Therefore, keeping the above in view, respondents are directed to respond to the legal notice in the light of the judgments cited and grounds referred to in the OA, within a period of 8 weeks from the date of receipt of this order, by issuing a speaking and reasoned order in accordance with rules and law.



7. With the above direction, the OA is disposed of, at the admission stage without going into the merits. No order as to costs.

(B.V. SUDHAKAR)
ADMIN MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/