

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00531/2021

Wednesday, this the 20th day of October, 2021

CORAM:

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

1. N K Kuttappan, aged 67 years,
Foreman, NSRY(Kochi), Naval Base (PO)
682 004, residing at Nellickayil housem
K P G Nagar, Azhakam PO, Aluva,
Ernakulam – 683 577.
2. V Yesodharan, aged 65 years,
Foreman (Gazetted) Retd., NSRY(Kochi),
Naval Base (PO) – 682 004, residing at Karthika,
Kizhakkekara road, Thrikkakkara PO, Kakkanad,
Ernakulam – 682 021.
3. A G Vijayan, aged 65 years, Foreman (UD),
NAY(Kochi), Naval Base (PO) – 682 004,
Residing at 9/129, Alamattam, Chandrapura,
Manjappara PO, Angamaly, Ernakulam – 683 581
4. U V Ghosh, aged 67 years, (Chargeman) NAY (Kochi),
Naval Base (PO) – 682 004, residing at
Uppukandathil house, Kureekkad PO, Udyo Kavala,
Chottanikkara, Ernakulam – 682 305. - Applicants

(By Advocate: Mr.Johnson Gomez & Mr.Sanjay Johnson)

Versus

1. Union of India represented by its
Secretary to Government of India,
Ministry of Defence, New Delhi – 110 001.
2. Secretary to Government of India,
Ministry of Finance (Department of Expenditure)
New Delhi – 110 001.
3. The Chief of Naval Staff, Naval Headquarters,
Ministry of Defence, New Delhi – 110 001.

4. The Principal Director of Civilian Personnel,
Integrated Headquarters, Ministry of Defence (Navy),
Directorate of Civilian Personnel, Talkatora
Stadium Annex Building, Room No. 100
New Delhi – 110 001.
5. The Flag Officer Commanding-in-Chief,
Head Quarters, Southern Naval Command, Kochi
Pin number – 682 003.
6. Admiral Superintendent, Naval Ship Repair Yard,
Naval Base, Kochi, 682 004.
7. Command Civilian Personnel Officer (CCPO),
Headquarters, Southern Naval Command, Kochi – 682 004.
8. Assistant Controller of Defence Accounts(ACDA),
Varghese Thittayil road, Perumanoor, Ernakulam,
Kerala – 682 015

- Respondents

(By Advocate: Mr.Sreejith N, ACGSC)

The O.A having been heard on 20th October 2021 through video conferencing, this Tribunal delivered the following order on the same day:

O R D E R (ORAL)

P.Madhavan, Judicial Member

This Original Application has been filed by the applicant seeking the following reliefs:

“(a) To declare that the Applicants are entitled for pay and allowances at par with their counterparts who were erstwhile Senior Chargeman, and Foreman in NASO, and are entitled to benefits flowing out of rectification of the anomaly in the pay scale of the Technical Supervisory Staff, following the implementation of the Fifth Central Pay Commission in the manner found in Annexure A11 Judgment.

(b) To direct the respondents to re-designate the Applicants who were working as Foreman on the date of implementation of 5th CPC as Assistant Foreman and to extend all consequential benefits.

(c) To direct the respondents to reconsider the granted promotions, following the rectification of anomaly, in furtherance to the judgement of the Hon'ble High Court of

Kerala to the applicants to higher post with higher pay scale, and also to extend the benefits of fixation of pay consequent to the implementation of the 6th and 7th Pay Commission recommendation also.

(d) To direct the Respondents to re-fix the pension and pensionary benefits to Applicants consequent upon rectification of anomaly as directed by the Annexure A11 judgment of the Hon'ble High Court.

(e) To grant such other reliefs as may be prayed for and Tribunal may deem fit and proper to grant.

2. The brief facts of the case are as follows:

This Original application is filed praying for a declaration that the Applicants are entitled to pay and allowances at par with their counterparts who were erstwhile Senior Chargeman, and Foreman in NASO, and are entitled for benefits flowing out of rectification of the anomaly in the pay scale of the Technical Supervisory Staff, following the implementation of the Vth Central Pay Commission in the manner found in Annexure A11 Judgment, and for other consequential reliefs. The anomalous fixation of pay has caused the applicants to receive lesser pay and pensionary benefits. In order to rectify the anomaly, the respondents have to implement Annexure A11 Judgment of Hon'ble High Court of Kerala. The Applicants have submitted individual representations before Respondent No. 5 highlighting the grievances. But the Respondents have not redressed their grievances. Hence, the applicants have approached this Tribunal praying for the above reliefs.

3. When the matter came up for consideration, it appears that all the representations filed by the applicants are still pending before the competent authority.

4. Adv.Mr.Sreejith N, ACGSC takes notice on behalf of the respondents and submits that the respondents have no objection in disposing of the representations.

5. In view of the pendency of the representations and non-exhausting of the departmental remedies, **we direct the Competent Authority to consider the representations filed by the applicants and pass a speaking and reasoned order within a period of three months from the date of receipt of a copy of this order.**

6. The Original Application is disposed of without going into the merits of the case as above at the admission stage itself. No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

bp

List of Annexures

Annexure A1 - A true copy of the Navy Group C (Technical Supervisory Staff) Recruitment Rules, 1983.

Annexure A2 - A true copy of the relevant pages (pp.1010-1013 of Volume II) of the Fifth Pay Commission Report.

Annexure A3 - A true copy of the order dated 4th September 2004 in OA No. 587/2000 and 667/2000 passed by the Central Administrative Tribunal (Bombay Bench)

Annexure A4 - A true copy of the Judgment dated 1st June 2011 of WP(C) 30853/2003 passed by the High Court of Kerala.

Annexure A5 - A true copy of the order dated 26th June 2008 in OA No.516/2006 passed by the Central Administrative Tribunal.

Annexure A6 - A true copy of the judgment dated 18th July 2013 in WP(C) 1206 of 2009 passed by the High Court of Kerala.

Annexure A7 - A true copy of the Communication No. CP(P)/8416/VICPC/POLICY dated 22.01.2014 issued by the Directorate of Civilian Personnel, IHQ to all the Naval Commands.

Annexure A8 - A true copy of Letter No. CS 2758 dated 19.05.2014 issued by the Flag Officer Commanding in Chief, Kochi to the Chief of Naval Staff.

Annexure A9 - A true copy of Letter No. A/01/2690/01 dated 04.03.2014 issued by the Civilian Establishment officer to the Flag Officer Commanding in Chief.

Annexure A10 - A true copy of the Order dated 16th September 2015 in OA No. 180/01149 of 2014 before the Central Administrative Tribunal, Ernakulam Bench.

Annexure A11 - A true copy of the Order dated 20th July 2017 in OP(CAT) No. 271/2016 and OP(CAT) No.213/2017 passed by the High Court of Kerala.

Annexure A12 - A true copy of the Representation dated 13.07.2021 submitted by Applicant No. 1 before Respondent No.5.

Annexure A13- A true copy of the Representation dated 13.07.2021 submitted by Applicant No.2 before Respondent No.5.

Annexure A14- A true copy of the Representation dated 13.06.2021 submitted by Applicant No.3 before Respondent No.5.

Annexure A15- A true copy of the Representation dated 12.07.2021 submitted by Applicant No.4 before Respondent No.5

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