

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 453/99

Thursday, this the 22nd day of July, 1999.

CORAM

HON'BLE MR B.S. JAI PARAMESHWAR, JUDICIAL MEMBER

HON'BLE MR J.L. NEGI, ADMINISTRATIVE MEMBER

1. T.M. Abraham, S/o Mathai,
Master II Class, Naval Ship Repair Yard,
(Yard Crafts Organisation), Naval Base, Kochi-4.
Residing at: Thottaplackil House,
Koothattukulam, Ernakulam.
2. K.K. Venugopal, S/o Kunjappan,
Master II Class, Naval Ship Repair Yard,
(Yard Crafts Organisation), Naval Base, Kochi-4.
Residing at: Kareethara House,
Vallarpadam, Ernakulam.
3. V.K. Ali, S/o Kayin, Mate,
Naval Ship Repair Yard,,
(Yard Crafts Organisation), Naval Base, Kochi-4.
Vadukkaparambil, Ponnarimangalam ,
Mulavugadu, Ernakulam.
4. T.D. Gracious, S/o T.D. Devassy, Mate,
Naval Ship Repair Yard,
(Yard Crafts Organisation), Naval Base, Kochi-4.
Thottakathu House, Chirakkal,
Palluruthy, Ernakulam.

...Applicants

By Advocate Mr T.C. Govindaswamy.

Vs.

1. Union of India rep. by the Secretary
to the Government of India,
Ministry of Finance, New Delhi.
2. The Secretary,
Ministry of Defence, New Delhi.
3. The Chief of the Naval Staff,
New Delhi.
4. The Flag Officer,
Commanding-in-Chief, Headquarters,
Southern Naval Command, Kochi.

...Respondents

By Advocate MrGovindh K. Bharathan, Sr.CGSC.

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The application having been heard on 22.7.99, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR B.S. JAI PARAMESHWAR, JUDICIAL MEMBER

Heard the learned counsels on both sides.



2. The applicants, four in number, are working as Master II Class/Mate in the Naval Ship Repair Yard (NSRY, for short), Kochi. After the implementation of the scale of pay recommended by the Vth Central Pay Commission, they were granted the scale of Rs. 4500-7000. They are aggrieved by the fixation of their scale of pay and that they submit that they are eligible for fixation of pay at par with Engine Driver Grade-I in the scale of Rs.5000-8000.

2. Hence, they have filed this O.A. for the following reliefs:

"(a) Declare that the grant of scale of pay of Rs.4500-7000 to Master II Class/Mates on and with effect from 1.1.96 is highly arbitrary, discriminatory and unconstitutional.

(b) Declare that the applicants are entitled to have a scale of pay higher than that of Engine Driver Grade I (Rs.5000-8000), i.e., persons who are under the supervision and control of the applicants and direct the respondents to grant the applicants a scale of pay higher than Rs.5000-8000 with consequential benefits thereof, on and with effect from 1.1.96."

3. The respondents have filed the reply. In the reply they have disputed the claim of the applicants for the scale of ^{of pay} Rs.5000-8000 on the ground that the Engine Drivers Grade I, come under the Engine room staff and whereas the

applicants come under the Deck staff. However, in para 2 of the reply they have stated as follows:

"Accordingly, all the cases including the case of applicants were considered in consultation with Joint Consultative Machinery Members (in short JCM Members) and representatives of recognised Unions. The pay scale of Master Grade II/Mate has been recommended for Rs.5000-8000 i.e., the scale of Engine Driver Class I and submitted to Naval Headquarters on 16th June, 1998 and a decision is awaited. Thus, the respondents have taken all steps to rectify the anomaly but the same is yet to be finalised by the Government."

4. From the above, it appears that the respondents though disputed the claim of the applicants for the scale of Rs.5000-8000, in fact, recommended the said scale ^{of pay} for the applicants and the same is under active consideration with the Haval Headquarters and the Union Government.

5. The respondents have also produced the copy of the order passed in O.A. 27/98 and batch dated 13.1.98. We reiterate the observations made in the said order. It is for the respondents to take suitable decision.

6. However, we direct the respondents to take a final decision in the matter as expeditiously as possible and not later than May, 31, 2000. The decision taken be communicated to the applicants.

7. If the applicants are going to be aggrieved by the decision taken, they are at liberty to approach the

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judicial forum for redressal.

8. With the above direction, the O.A. is disposed of.
No costs.

Dated the 22nd day of July, 1999.

JL Negi
22/7/99
J.L. NEGI
ADMINISTRATIVE MEMBER

B.S. Jai Parameshwar
B.S. JAI PARAMESHWAR
JUDICIAL MEMBER
22-7-99

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