

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

ORIGINAL APPLICATION NO. 497 OF 2006

Dated the 26th September, 2008

CORAM:-

HON'BLE Mr. GEORGE PARACKEN, MEMBER (JUDICIAL)
HON'BLE Dr. K.S.SUGATHAN, MEMBER (ADMINISTRATIVE)

1. All India Naval Clerks Association
Represented by its General Secretary,
KS Babu, working as Assistant,
INS Garuda, Naval Base, Kochi-4.
2. KJ Clara, working as Assistant,
Headquarters, Southern Naval Command,
Naval Base, Kochi-4.
3. Reshma N Menon, working as Assistant,
Headquarters, Southern Naval Command,
Naval Base, JKochi-4.

Applicants

[By Advocate: Mr S Radhakrishnan)

-Versus-

1. Union of India, represented by
The Secretary, Ministry of Defence,
New Delhi.
2. The Chief of the Naval Staff,
Integrated Headquarters, Ministry of Defence,
Naval Headquarters, New Delhi-110 011.
3. The Chief Staff Officer (P&A),
HQs Southern Naval Command,
Kochi-682 004.

Respondents

[By Advocates: Mr TPM Ibrahim Khan, SCGSC)

This application having been heard on 29th August, 2008 the Tribunal
delivered the following -

ORDER

(Hon'ble Dr. KS Sugathan, AM)

Aggrieved by the decision of the respondents to conduct a partial cadre review of Administrative Officers alone without including the entire ministerial staff in the Navy, the applicants filed this OA seeking to declare the proposal at A/7 as illegal and for direction to conduct a total cadre review for the entire ministerial staff. It is contended on behalf of the applicants that the ministerial staff of the Indian Navy is a single cadre consisting of LDC, UDC, Assistant, Office Superintendent, Administrative Officer Grade II, Administrative Officer Grade I, Senior Administrative Officer and Chief Administrative Officer. The proposal at A/7 however contained cadre review of only four higher levels starting from Administrative Officer Grade II. In the first reply filed by the respondents it was stated that the ministerial staff has two distinct groups, i.e. the group of officers starting from the level of Administrative Officer and the group consisting of lower formations. However the proposal at A/7 was at a nascent stage and no final decision has been taken. During the pendency of the OA, the respondents however prepared a comprehensive cadre review proposal covering the entire ministerial staff and submitted for consideration of the Sixth Pay Commission. The said proposal was filed before this Tribunal as MA-1 document along with MA602 of 2007 filed by the respondents in August 2007. The Tribunal thereafter directed the respondents to ascertain the status of the acceptance/ implementation of said proposal. In the affidavit

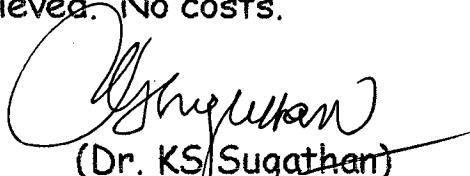
filed by the respondents on 15th May 2008 it was stated that the cadre review proposal submitted by them to the Pay Commission has not been considered by the Commission, but the Commission has recommended the merger of the scale of pay of Assistants, Office Superintendents, and Administrative officer Grade II into a single pay scale (pay band 2). It was also submitted by the respondents that in view of the recommendations of the Pay Commission challenge to the cadre review proposal has become unsustainable, and if the applicants are left with any grievance after implementation of the Pay Commission recommendations, they are at liberty to agitate the matter in the appropriate fora. In the last and final affidavit filed by the respondents on 25th July 2008 it was further submitted that in view of the recommendations of the Pay Commission merging the three pay scales, the cadre review proposal in respect of the ministerial staff could be taken up only after the implementation of the recommendations of the Pay Commission.

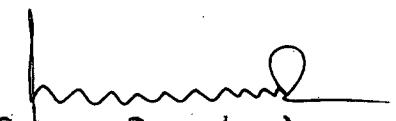
2] We have heard the learned counsel for the applicants Mr. S.Radhakrishnan and the learned counsel for the respondents Mr. TPM Ibrahim Khan. We have also perused the documents carefully.

3] The prayer in the OA was to quash the proposal at A/7 which contained a cadre review proposal for only officers in the category of ministerial staff. During the pendency of the OA the respondents, however prepared a comprehensive cadre review proposal covering the all the levels of the ministerial staff. Consequently the original prayers of the applicants have been

fulfilled. In the subsequent hearings of the OA the respondents were periodically directed to ascertain the status of acceptance/implementation of the comprehensive cadre review. The information directed to be furnished were duly furnished by the respondents from time to time. In the wake of the recommendations of the Sixth Pay Commission merging three pay scales which formed part of the ministerial cadre, the respondents have finally stated that the OA has become infructuous and therefore should be dismissed as such. We are of the opinion that this is a reasonable stand taken by the respondents. The cadre review proposal have to necessarily take into account the new pay scales recommended by the Pay Commission. Therefore the proposal that was submitted to the Pay Commission has lost its relevance. After the Pay Commission recommendations are implemented, it is always open to the applicants to represent for a fresh cadre review proposal if they find the problem of lack of adequate promotional opportunities has not been fully addressed. No useful purpose would be served by continuing with the present OA in this form.

4] For the reasons stated above, the OA is dismissed as having become infructuous. The applicants can agitate against any new cadre review proposed as and when it is prepared, if they are aggrieved. No costs.


 (Dr. K.S. Sugathan)
 Member (Administrative)


 (George Paracken)
 Member (Judicial)

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