

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.617/04

Friday this the 3rd day of December 2004

C O R A M :

**HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. S.K.HAJRA, ADMINISTRATIVE MEMBER**

1. Indo Norwegian Project Employees Association, (Regd. No.12 of 1170), Integrated Fisheries Project, Fine Arts Avenue, Kochi - 16, represented by its Joint Secretary, Shri.John Chellappan, (Processing Assistant, IFP, Kochi - 16).
2. K.Vijayabhanu, Junior Deck Hand, Integrated Fisheries Project, Kochi - 16.
3. Neelakandan P.K., Junior Deck Hand, Integrated Fisheries Project, Kochi - 16.
4. P.V.Madhavan, Junior Deck Hand, Integrated Fisheries Project, Kochi - 16.
5. V.V.Hassan, Junior Deck Hand, Integrated Fisheries Project, Kochi - 16.

Applicants

(By Advocate Ms.K.Indu)

Versus

1. Union of India represented by the Secretary to the Govt. of India, Ministry of Agriculture, Department of Animal Husbandary & Dairying, Krishi Bhavan, New Delhi.
2. The Director, Integrated Fisheries Project, Kochi - 16.

Respondents

(By Advocate Mr.TPM Ibrahim Khan, SCGSC)

This application having been heard on 3rd December 2004 the Tribunal on the same day delivered the following :




O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

The Indo Norwegian Project Employees Association, Integrated Fisheries Project represented by its Joint Secretary and four members of the Association, who were working as Junior Deck Hand, have filed this application aggrieved by the rejection of their claim for revision of pay scale from Rs.2750-4400/- to Rs.4000-100-6000/- contained in Annexure A-8 order challenging the same. It is alleged in the application that prior to the 2nd Pay Commission report Junior Deck Hands were in a pay scale higher than that of U.D.C., that the Joint Consultative Machinery meeting had recommended award of higher pay scale to them, and that the ministry having accepted the recommendation has no justification in not acceding to their legitimate demand. The applicants seek to set aside Annexure A-8 and a direction to the 1st respondent to consider upgradation of the pay scale of the Junior Deck Hands to Rs.4000-100-6000 in the light of Annexures A-2 to A-5 and A-7.


2. Respondents in their reply statement contend that the grievance of the applicants regarding the appropriate pay scale was considered specifically by the 5th Central Pay Commission and the pay scale recommended by the Pay Commission has been awarded to them. They further contend that the claim of the applicants for parity of pay with U.D.C. is not justified as the recruitment qualification and the level of duties and responsibilities are totally different. If the pay scale of Rs.4000-6000/- as claimed by the applicants is granted to the cadre of Junior Deck Hand the post of Senior Deck Hand in other similar institutes which is higher post than Junior Deck Hand would be left with lower pay scale than that of the Junior Deck



Hand in the I.F.P. contend the respondents. The respondents contend that since an appropriate pay scale has been awarded to Junior Deck Hand on the basis of the recommendation of the 5th Central Pay Commission which is the proper and competent body to make such recommendations the Tribunal may not interfere.

3. The applicants have filed a rejoinder reiterating the averments in the application.

4. Since the pleadings are complete with the consent of the parties on either side we proceeded to hear the counsel for a final disposal of the application. It is to be mentioned at the outset that the prescription of pay scale for different posts and grades is to be made by the competent authority in the ministry of the department taking into account all the relevant factors like job contents, recruitment qualification etc. in the light of the recommendations of the experts bodies like Pay Commission and Work Study Committees etc. and it is not within the domain of the Courts/Tribunals to prescribe the pay scale, for, Courts do not have the expertise to assess these relevant aspects. The 5th Pay Commission which considered the issue did not make any recommendation for an upgradation of pay scale as claimed by the applicants. The recommendation of the Pay Commission has been accepted and department has fixed appropriate pay scale for Junior Deck Hand in I.F.P. with which we do not find any reason to interfere with.



5. In the light of what is stated above we do not find any merit in the application which is dismissed leaving the parties to bear the costs.

(Dated the 3rd day of December 2004)


S.K. HAJRA
ADMINISTRATIVE MEMBER

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A.V. HARIDASAN
VICE CHAIRMAN