

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 92/93

Thursday, this the 3rd day of February, 1994

SHRI N. DHARMADAN, MEMBER (J)
SHRI S.KASIPANDIAN, MEMBER(A)

1. A.K.Thankappan,
Syrang (Engine Room),
Commander of Yard,
Naval Ship Repair Yard,
Naval Base, Kochi-4.
2. K.C.Nicholas,
Syrang (Engine Room),
Naval Ship Repair Yard,
Naval Base, Kochi-4.
3. V.B.George,
Syrang (Engine Room)
Commander of Yard,
Naval Ship Repair Yard,
Naval Base, Kochi-4.

.. Applicants

By Advocate Shri K.Shri Hari Rao.

V/s

1. Union of India, rep. by the
Secretary, Min. of Defence,
New Delhi.
2. Chief of Naval Staff,
Naval HQ, New Delhi.
3. Flag Officer Commanding-in-Chief,
Southern Naval Command,
Naval Base, Kochi-4.
4. The Commodore Superintendent,
Naval Ship Repair yard,
Naval Base, Kochi-4.

.. Respondents

By Advocate Shri K.Karthikeya Panicker, ACGSC.

ORDER

N. DHARMADAN

Applicants are at present working as Syrang (Engine Room) in the office of the Commander of Yard within the control of the fourth respondent. According to the applicants, they are entitled to higher pay scale in the

light of the recommendations of the Fourth Pay Commission. Applicants filed representations in this behalf which were considered and disposed of as per Annexure-I impugned order, dated 15.12.92. That order refers to an earlier order dated 22.5.92. Annexure-III order dated 5.6.92 issued for removal of anomalies in the pay scale of yard craft personnel of the Navy after the recommendation of Fourth Pay Commission also refers to the earlier order of the Ministry of Defence dated 22.5.92. This order has a bearing in this case, but it has not been produced by the parties.

2. After hearing the learned counsel on both sides, we directed the learned counsel for the respondents to produce the orders dated 22.5.92 referred to above. The learned counsel for the respondents produced the order for our perusal. It reads as follows:-

" I am directed to state that consequent on the implementation of recommendations of the Fourth Pay Commission, certain anomalies occurred in the pay scales of Yard Craft Personnel, viz. Mate and Syrang (ER). The case had been under consideration of the Government and the President is now pleased to revise the pay scales of the following two categories as indicated against each:-

<u>Category</u>	<u>Pay Scales</u> <u>(IV Pay Commission)</u>	<u>Revised</u> <u>Pay Scales</u>
(a) Mate	Rs.1320-2040	Rs.1400-2300
(b) Syrang (ER)	Rs. 950-1500	Rs.1200-1800

2. The revised scales will be effective from the date of issue of this letter.

3. The Recruitment Rules for the above posts will be modified accordingly.

4. This issues with the concurrence of the Ministry of Defence (Fin/Navy) vide their U.O.No.550/NA of 1992. "

3. We are satisfied that this is the basic order relied on by the Department to pass the impugned order. The said order has not been challenged by the applicants.

4. The learned counsel for applicants submitted that the applicants would see the order for the first time/when it is produced before the Tribunal and that they did not get sufficient time to challenge the

same. However, the applicants are proposing to file detailed representations objecting to the implementation of this order dated 22.5.92 and they may be given sufficient time to file such representations. This request made at the Bar is not opposed by the respondents.

5. After hearing the learned counsel on both sides, we are satisfied that the request of the learned counsel for applicants can be accepted. Accordingly, we close the application reserving the right of the applicants to submit their objections against the order dated 22.5.92 within three weeks from the date of receipt of a copy of this order.

6. The application is disposed of as above. There will be no order as to costs.



(S.KASIPANDIAN)
MEMBER(A)



(N.DHARMADAN)
MEMBER(J)

v/-