

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A No. 108 / 2009

Thursday, this the 11th day of November, 2010.

CORAM

HON'BLE Ms. K NOORJEHAN, ADMINISTRATIVE MEMBER

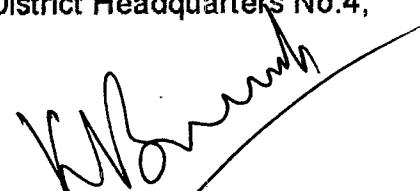
HON'BLE DR K.B.SURESH, JUDICIAL MEMBER

1. P.J.Paul,
Syrang of Lascar, Coast Guard,
District Headquarters No.4,
Kalvathy Road, Cochin.
2. N.R.Chandran,
Syrang of Lascar, Coast Guard,
District Headquarters No.4,
Kalvathy Road, Cochin.
3. Abdulla Kutty,
Syrang of Lascar, Coast Guard,
District Headquarters No.4,
Kalvathy Road, Cochin.
4. K.D.Devarajan,
Syrang of Lascar, Coast Guard,
District Headquarters No.4,
Kalvathy Road, Cochin.Applicants

(By Advocate Mr U Balagangadharan)

v.

1. Union of India represented by
Secretasry, Ministry of Defence,
South Block, New Delhi.
2. The Director General,
Coast Guard Headquarters,
National Stadium Complex,
New Delhi.
3. The Commander,
Coast Guard Region(W),
Golfa Devi Temple,
Prabadevi Post, Worly,
Mumbai.
4. The District Commander,
Coast Guard,
District Headquarters No.4,



Kalvathy Road, Cochin.

....Respondents

(By Advocate Mr Sunil Jacob Jose, SCGSC)

This application having been finally heard on 3.11.2010, the Tribunal on 11.11.2010 delivered the following:

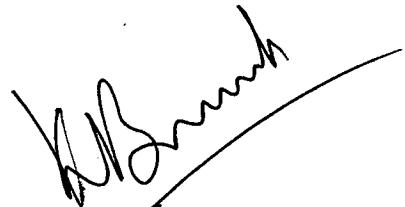
ORDER

HON'BLE DR K.B.SURESH, JUDICIAL MEMBER

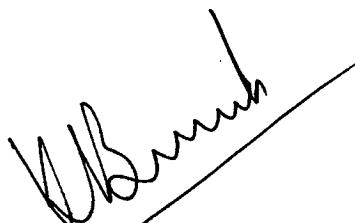
The question of parity between Syrang/Lascars of Navy and Coast Guard seems to be the crux of the matter. The applicants would claim that they are similar to that of Navy and therefore, going by the constitutional mandate of Article 14, they are entitled to an equivalent pay with that of Navy. The applicants would also point out that the Ministry of Defence having not taken a specific stand by virtue of their non-participation in the process and the Coast Guard participated in at least partly and positively, their claim should be upheld.

2. But whether parity as designed or default cause a certain thing to be brought into existence, finally the process of adjudication must be able to cover all such points also as otherwise judicial review will become an empty exercise. Therefore, even when the absence of any specific defence to the contrary, we are going to examine the relative merits in relation to their functional efficiency and the methodology of assessing.

3. The similarity between Coast Guard and Navy starts and ends with sea. Like in the case of BSF and CRPF and other para military forces, it was found conducive to public policy to raise a coast guard as a para maritime set up in order to cater to the needs of the nation within the continental shelf and within the areas of operation as provided by law of the sea. Thus it can be seen that the role of the Coast Guard is similar to that of the BSF or Indo Tibetan Border Police. If we have to have a comparison of the vessels, armaments training



methodology etc of Navy and Coast Guard, it will be found that these differs substantively. The performance out put expected of each in relation to each parameter is substantively different. The risks taken by the Navy do not befall the shoulders of the Coast Guard. The method of training, the method of impeachment of the enemy armaments and the deployment etc also are different in a very wide spectrum. Therefore, on operational basis, all equipment, the basis of the skills requirement, there is substantial difference between Navy and Coast Guard and as we have already said the only connecting link is the sea. Therefore, we hold that as at present there is substantive difference between Navy and Coast Guard and therefore, there is no merit in the contention of the applicants. Therefore, there is no merit in the O.A and it is dismissed. But at the same time, we are not closing the doors of the applicants and, other similarly situated, if in the future substantive similarities occur, it is upto the Government and the authorities to take a re-look into the matter and decide on the basis of the situation then prevailing. There shall no order as to cost.



DR K.B. SURESH
JUDICIAL MEMBER



K NOORJEHAN
ADMINISTRATIVE MEMBER

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