

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE : 9.1.1990

PRESENT

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

O.A. No. 122/89

K. K. Muthukoya

Applicant

Vs.

1. The Executive Engineer,
Lakshadweep Harbour Works
Kavaratti Island

2. The Deputy Chief Engineer,
Lakshadweep Harbour Works
Calicut and

3. The Union of India represented by
the Secretary to Government,
Ministry of Transport, New Delhi

Respondents

M/s. K. Balakrishnan, P. K. Ravikrishnan
& P. K. Rajee Nayanar

Counsel for
the applicant

Mr. P. V. Madhavan Nambiar, SCGSC

Counsel for
respondents

ORDER

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The applicant is working as a Seacunny classified under group 'D' category under the work charged establishment of the Lakshadweep Harbour Works. His revised pay ~~scale~~ *is in the scale* as Seacunny has been fixed ~~at~~ Rs. 775-1025. The applicant's grievance is that he is entitled to the higher pay scale of Rs. 950-1400 which is being paid to the Seacunnys of the Ports Department of Lakshadweep Administration. In this regard, he sent a representation (Ann. 3) to the Dy. Chief Engineer, Lakshadweep Harbour Works, Calicut (Respondent No. 3) praying for the higher revised pay

scale as mentioned above. But this representation has been turned down by the latter's reply dated 11.11.88 (Ann. 4) which is impugned by this application. The applicant has also prayed that the Annexure-4 order may be quashed and that the respondents may be directed to fix his pay in the higher pay scale of Rs. 950-1400.

2. The respondents have filed a reply affidavit stating that the posts, though ^uare designated by the same name of Seacunny in the Lakshadweep Harbour Works and in the Port Department, ^uthey are really different from each other and therefore the applicant cannot claim equal pay with that of Seacunny in the Port Department. It is pointed out that the qualifications needed for the two posts and the duties assigned to them are different from each other.

3. The respondents have filed Ext. R-1 Recruitment Rules applicable to the Seacunny ^{u engaged in} ~~applicable~~ to the Lakshadweep Harbour Works, according to which the post is classified as work charged industrial non-gazetted non-ministerial post and the educational qualifications required is stated to be knowledge of reading and writing of any Indian Language and experience needed is that of ~~A~~ working of three years in small boats/vessels. As against this, the Ext. R-~~4~~ relating to the Recruitment Rules applicable to Seacunny of the Port Department states, that the post is classified as 'Group 'C' non-gazetted, non-ministerial post and the educational qualifications required is upto the Eighth

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standard. In the matter of experience, the candidates should have two years experience as Seacunny in a sea-going vessel. ^{up} preference will be given to ex-servicemen from the Navy with two years experience in sea-going vessel, having the prescribed educational qualifications.

4. The respondents have also averred that the Seacunnys in the Port Department are posted in sea going vessels, whereas the officials of the Lakshadweep Harbour Works ^{are engaged} are not sea going vessels. It is therefore stated that as there is difference both in the matter of educational qualifications and experience and also a difference in the basic nature of duties, the difference in the pay scale ^{is} is quite justifiable and the applicant cannot claim parity with the Seacunnys of Port Department.

5. I have perused the records and also heard the learned counsel. The counsel for the applicant has drawn my attention to the rejoinder in which it is stated that the difference in qualification for recruitment cannot be of any consequence as, ^{both} the jobs of Seacunnys ^{involve} are completely manual work. ^{I am unable to agree} It is not for any employee to question the need for educational qualifications prescribed by the recruiting agency. That apart, the nature of work as mentioned by the respondents ^{involve} has a much higher calibre ^{than this seacunny} in the Port Department as he is required to work in sea-going vessels. Therefore, I am unable to accept the contention of the counsel for the applicant that the difference in the educational qualifications is irrelevant.

6. The applicant has also stated in the rejoinder that the duties of the Seacunnys in both the establishments are the same and denies that the Seacunnys in the Port Department are working in sea going vessels. His contention is that both the vessels at the Harbour Works and the Port Department ply merely between the various Islands of the Union Territory. The applicant has produced Annexure-5 series relating to the programme of the vessels of the Harbour Works indicating that they ply between various Islands.

7. On the contrary, the respondents have submitted that the vessels ply between the Islands of the U.T. and the main land. They have produced Annexure R-8 which indicates that ships like M. V. ^{Dweep Belter} ~~Tipuelan~~ ply between the Islands and the main land.

8. Nothing has been brought to ^{my} ~~our~~ notice to doubt the veracity of this statement.

9. I am therefore of the view that a reasonable classification of the post of Seacunny depending on the qualification required and the nature of duties required to be performed is similar to the classification of post of Stenographers of various grades depending on their qualification and nature of work done by them. That being the case, the difference between the pay scales between the post of Seacunny held by the applicant and the post of Seacunny in the Port Department is entirely justifiable and the applicant cannot claim parity of

pay scales with the pay scales of Seacunny of the Port Department.

10. For the above reasons I find that the application is without substance. It is accordingly dismissed.

11. There is no order as to costs.



(N. V. Krishnan)
Administrative Member
9.1.90