

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 143 of 2002

Thursday, this the 24th day of July, 2003

CORAM

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

1. O.M. John,
S/o O.V. Mathai,
Draughtsman Gr.III, TINT,
Naval Base, Kochi-4
Residing at Oramadathil House,
Adimali PO, Idukki Dist - 686561Applicant

[By Advocate Mr. Hari Sharma M]

Versus

1. Union of India represented by its
Secretary to Government,
Ministry of Defence, Government of India,
New Delhi.
2. Chief of the Naval Staff,
Naval Headquarters, New Delhi-110011
3. Flag Officer Commanding in Chief,
Southern Naval Command, Kochi-682004
4. Captain Director,
Trishul Installation Team,
Naval Base, Kochi-4Respondents

[By Advocate Mr. C. Rajendran, SCGSC]

The application having been heard on 24-7-2003, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

The applicant, Shri O.M.John working as Draughtsman Gr.III, TINT, Naval Base, Kochi-4, challenges the orders A-IX dated 8-1-2001, A-XI dated 12-4-2001 and A-XII dated 31-1-2002 and seeks the following reliefs:-

- "(i) To call for the records leading to Annexure A-IX, A-XI and A-XII and quash the same;

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- (ii) Quash NHQ letter CP(NG)/2801/Equating dated 03-12-2001; and
- (iii) To issue such other orders/directions as this Honourable Tribunal may deem fit and proper in the facts and circumstances of the case."

2. By interim order dated 26-2-2002, the recovery of the alleged overpayment ordered as per the impugned orders remained suspended until further orders. Though the respondents have filed a reply statement resisting the applicant's claim and the applicant has filed a rejoinder reiterating his claim, when the matter came up for final hearing, Shri Hari Sharma, learned counsel for the applicant moved an M.A.No.569/03 and invited our attention to Annexure MA-II order dated 28-2-2003 of the 2nd respondent treating the Draughtsman in various Defence establishments on par with their counterparts in CPWD. Learned counsel stated that in the light of Annexure MA-II order, the main relief prayed for by the applicant stands allowed and that a direction, therefore, could be given to the respondents to grant all the consequential benefits to the applicant. Shri C.Rajendran, learned SCGSC under instructions has pointed out that on the basis of a clarification received from the Naval Headquarters it has been decided that the recruitment qualification prescribed for the Drawing Staff of Navy has been equated with that of the Drawing Staff of CPWD and that, therefore, the benefits with regard to fixation of pay could be extended to those Draughtsman Grade-III, who were designated as Tracer earlier and who have been recruited with the same qualification. Learned SCGSC has fairly accepted that since the applicant herein falls within the category of Draughtsman who are equated with the category of Draughtsman in CPWD, all the impugned actions were proposed to be withdrawn and that accordingly the OA could be disposed of.

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3. On going through Annexure MA-II order enclosed with MA.No.569/03, we find that the Naval Headquarters has taken a decision to consider the category of Draughtsman in Naval establishments on par with the category of Draughtsman in CPWD and to refix their pay in the same manner as has been granted to the category of Draughtsman in CPWD. The operative part of the said MA-II order reads as under:-

"... In view of the above, re-fixation of pay of D'Man Grade III (erstwhile Tracer) based on recruitment qualification may be expedited and forward progress to NHQ. Pending court cases on this account may be dealt with in the light of the above clarifications."

4. Since this matter has been confirmed by the learned SCGSC appearing for the respondents, the applicant's main prayer stands allowed.

5. Accordingly, we dispose of the Original Application setting aside the impugned Annexure A-IX, A-XI and A-XII orders. Respondents are directed to refix the applicant's pay and allowances on par with that of Draughtsman in CPWD as claimed in the OA. The applicant's pay and allowances will have to be refixed and consequential benefits in their entirety should be made available to the applicant by passing appropriate orders within a period of four months from the date of receipt of a copy of this order. No order as to costs.

Thursday, this the 24th day of July, 2003



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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