

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. NO. 180/2001

Wednesday, this the 19th day of March, 2003.

CORAM;

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

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

1. M.K.S.Pillai,  
Assistant Foreman,  
Armament, Naval Armament Depot,  
Alwaye.
2. K.T.George,  
Assistant Foreman,  
Armament, Naval Armament Depot,  
Alwaye.
3. P.S.Kamalanathan,  
Chargeman-I,  
Naval Armament Depot,  
Alwaye.
4. C.M.Antony,  
Chargeman-I,  
Naval Armament Depot,  
Alwaye.
5. T.V.Krishnan,  
Chargeman-I,  
Naval Armament Depot,  
Alwaye.
6. M.K.Venu,  
Chargeman-I,  
Naval Armament Depot,  
Alwaye.
7. V.Gopinathan,  
Chargeman-I,  
Naval Armament Depot,  
Alwaye.
8. V.M.George,  
Chargeman-I,  
Naval Armament Depot,  
Alwaye.
9. K.A:Hariharan,  
Chargeman-I,  
Naval Armament Depot,  
Alwaye.

10. A.Janardhanan,  
Chargeman-I,  
Naval Armament Depot,  
Alwaye.
11. S.Unnikrishnan,  
Chargeman-I,  
Naval Armament Depot,  
Alwaye.
12. K.S.Pillai,  
Chargeman-I,  
Naval Armament Depot,  
Alwaye.
13. M.Padmakumar,  
Chargeman-I,  
Naval Armament Depot,  
Alwaye.
14. S.Satyajith,  
Chargeman-I,  
Naval Armament Depot,  
Alwaye.
15. M.R.Madhavan,  
Chargeman-I,  
Naval Armament Depot,  
Alwaye.
16. K.C.John,  
Chargeman-I,  
Naval Armament Depot,  
Alwaye.
17. C.S.Sebastian,  
Chargeman-I,  
Naval Armament Depot,  
Alwaye.

- Applicants

By Advocate M/s Sukumaran & Usha

Vs

1. Union of India rep. by its  
Secretary,  
Ministry of Defence,  
New Delhi.
2. Chief of Naval Staff,  
Naval Head Quarters,  
Sena Bhavan,  
New Delhi-110 011.
3. Chief of Naval Staff(for Director of  
Civil Personnel),  
Naval Headquarters,  
Sena Bhavan,  
New Delhi-110 011.

4. Flag Officer,  
Commanding-in-Chief,  
Civilian Naval Command,  
Wellington Island,  
Cochin-4.
5. Union of India rep. by its  
Secretary,  
Ministry of Finance,  
New Delhi-110 001.
6. The General Manager,  
Naval Armament Depot,  
Alwaye - 683 563.

- Respondents

By Advocate Mr C Rajendran, SCGSC

The application having been heard on 22.11.2002 the Tribunal on 19.3.2003 delivered the following:

O R D E R

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

The applicants, 17 in number, are working in the Ammunition Workshop in the Naval Armament Supply Organisation(NASO for short) under the Ministry of Defence, Alwaye. The 1st and 2nd applicants are Assistant Foremen, Armament, NAD, Alwaye and the remaining 15 are Chargemen Grade-I, NAD, Alwaye. The challenge in this O.A. is against A-2 order dated 30.10.2000 of the 1st respondent containing the findings of the Anomalies Committee constituted to consider certain anomalies arising out of the implementation of the recommendations of the 5th Central Pay Commission in the light of this Tribunal's order in O.A.812/98 dated 17.6.98. A-3 order dated 11.1.2001 of the 4th respondent being consequential in nature is also under challenge inasmuch as downgrading of the applicants' pay scale from Rs.5500-9000 to 5000-8000 with effect from 1.1.96 and recovery of overpayment with effect from 1.1.96 after issuing specific

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notices are ordered. According to the applicants, they are technically qualified and experienced to deal with hazardous ammunition and explosives and as compared to them, the qualification and nature of work of Senior Chargemen and Chargemen of Naval Armament Inspectorate under the same Ministry are inferior. While the IIIrd and IVth Pay Commissions did not deeply go into a proper evaluation of the nature of job of the Senior Chargemen and Chargemen in the NASO and NAIO since what was taken into consideration was the designation of the post, the Vth Pay Commission made a detailed study of the nature of work involved and rectified the anomalies by prescribing two different pay scales to Senior Chargemen and Chargemen who were having the same pay scale, before revision. The Vth Pay Commission standardised the designation of technical supervisory staff in all the Defence Establishments by redesignation of Technical Staff in the scale of Rs.5000-8000 as Chargemen Grade-II, in the scale of Rs.5500-9000 as Chargemen Grade-I, in the scale of Rs.6500-10500 as Assistant Foreman and those in the scale of Rs.7450-11500 as Foreman. An inter grade ratio of 15:25:25:35 by creating new grades wherever necessary was also prescribed for Foreman, Assistant Foreman, Chargeman-I and Chargeman-II. The applicants would submit that the gradations recommended by the Vth Pay Commission had a rational basis having regard to the prescribed qualification and the duties involved. The Vth Pay Commission have also recommended the pay scale of Rs.5500-9000 for Chargemen Grade-I. Chargemen Grade-II in the scale of 5000-8000 was made the feeder category. This exercise involved granting of the scale of Rs.5000-9000 to the

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Senior Chargemen in Ammunition Workshop under NASO whereas Senior Chargemen of Workshop and Factory under NAIO were given the scale of Rs.5000-8000. The applicants were placed in the higher scale and they were drawing their pay in that scale with effect from 1.1.96. In O.A.812/98, the Chargemen working in the NAIO urged that they were also entitled to get the higher scale of Rs.5500-9000 as the applicants. As per A-1 order, this Tribunal directed the respondents to consider the representations of the applicants in O.A.No.812/98 by placing the matter before the Anomalies Committee. The Anomalies Committee, according to the applicants, came to the finding that the benefit of pay revision awarded to the applicants and similarly situated persons was on account of a mistake in identity and that therefore, the remedy was to bring down the scale of their pay to Rs.5000-8000 from Rs.5500-9000. The effect was that the higher scale granted as per the Pay Commission's recommendations implemented by the Government of India was nullified. This, the applicants would submit, was without giving them notice. The claim of the Chargemen working in NAIO was directed to be considered; and instead of considering their claim, the right of the applicants was taken away. According to the applicants, the higher scale allowed to them was based on the nature of work, duties and the risk factors involved. A benefit which the applicants have been enjoying for the last several years has been withdrawn without adducing good reason and in any case, without affording an opportunity to them to present their case. The principle of promissory estoppel prevented the authorities concerned from withdrawing what was offered. Maintaining that the impugned

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orders exceeded the powers conferred on the Anomalies Committee and the proposed recovery of the alleged overpayment, was legally untenable, the applicants seek the following main reliefs:

- (a) to quash/set aside A-2 & A-3 proceedings;
- (b) to issue a direction to respondents not to implement A-2 & A-3;
- (c) to issue a direction to respondents to allow the applicants to continue to draw the salary and scale of pay as recommended by the 5th Pay Commission and accepted and implemented by the Government.

2. The respondents have filed a reply statement opposing the O.A. According to the respondents, the applicants are occupying the position of Chargeman-I as a result of redesignation with effect from 1.1.96 in the light of the Vth Pay Commission's recommendations introducing four tier structure in the grades of Technical Supervisors of Indian Navy comprising of Foreman, Assistant Foreman, Chargeman-I and Chargeman-II in the ratio of 15:25:25:35. The grant of revised pay scale of 5500-9000 to Senior Chargeman in AWS(NASO was a mistake since there was no Senior Chargeman's category. The applicants' contention regarding Senior Chargeman being a higher post than that of Chargeman was incorrect with the merger of the post of Senior Chargeman and Chargeman into one single post, i.e. Senior Chargeman with effect from August

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1990 which resulted in the merger of the lower post thereby upgrading the status of the lower post. The Technical Supervisory staff in NASO where the applicants work and those in NAIO perform functions which are mutually complementary to each other. Those in NAIO are engaged in quality assurance inspection of the Ammunition produced and the Technical Supervisors in NASO like the applicants are incharge of storage maintenance, repair, issue and safety of the Armaments. So no category can claim any comparative superiority over its counterpart in the other organisation. The applicants' contention that the Vth Pay Commission has evaluated the qualification and nature work of Senior Chargeman in NASO and proceeded to redesignate the posts into Chargeman-I and Chargeman-II was incorrect since the concept of Chargeman-I & II was an integral part of the concept of a four tier system for the Technical Supervisory staff. The NASO cannot be allowed to have a structure of Technical Supervisory staff starting from the pay scale of Rs.5500-9000 as against Rs.5000-8000 admissible to their counterparts in other organisations like NAIO. The grant of Rs.5500-9000 was therefore given by a mistake of identity. This anomaly was set right by the impugned orders. The respondents would resist the application by reiterating the following facts:

"(a) Anomaly Committee has not issued any orders on its own. It is only recommendatory body to the Ministry of Defence. Only, Ministry of Defence has issued the orders.

(b) Anomaly Committee has only recommended but orders have been issued by Ministry of Defence.

(c) The 5th Central Pay Commission is a recommendatory body. It is the prerogative of the Government to accept, reject or modify any of its recommendations.

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(d) The Anomaly Committee has only set right a mistake. No grounds therefore, exist for giving notice or hearing to the applicants.

(e) The Anomaly Committee has only set right the mistake. There was no necessity to re-evaluation of the job contents of the post."

A decision taken by the Government of India on the basis of the totality of circumstances and having regard to interest of all sections of the employees could not be faulted on the allegation that no notice was issued. Government orders were based on facts and was intended only to remove a glaring anomaly. The O.A. was therefore not maintainable, according to the respondents.

3. In their rejoinder, the applicants have stressed their main averments in the O.A. and refuted the pleadings in the reply statement. It is maintained by the applicants that the scale of pay of Foreman in NASO was Rs.1640-2900 while their counterparts in NAIO were getting the scale of Rs.1600-2600. On the basis of the Vth Pay Commission's recommendations, it was decided to step up the pay of Technical Supervisors of Indian Navy and accordingly persons who were working as Senior Chargeman in NASO got one step up and had obtained the grade pay of Foreman in the scale of Rs.1640-2900 and this was corresponding to the revised pay scale of Rs.5500-9000. It could not be contended that conferment of such scale was due to any mistake in identity. The applicants would rely on A-9 wherein the respondents have admitted that the Vth Central Pay Commission has standardised the designations of the Supervisory staff in all Defence Establishments and prescribed revised pay scale for each category. This being the position, the respondents could not now argue that what the Pay

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Commission recommended was on the basis of a mistaken identity. In clarification and in an attempt to contradict each other's stand, the respondents and applicants have filed additional reply statement and additional rejoinder respectively.

4. We have heard the learned counsel on either side.

5. According to the counsel for applicants, the Vth Central Pay Commission had recommended the four tier structure for Technical Supervisors of Indian Navy in the specified ratio. The Vth Central Pay Commission after considering various representations with reference to earlier recommendations, prescribed different scales for Chargeman-I and Chargeman-II on the basis of nature of work. When the IVth Pay Commission's recommendations were implemented, there were two grades viz. Chargeman and Senior Chargeman with the same pay scale. In 1990 by merger of the two grades, Chargeman and Senior Chargeman, into Senior Chargeman, the anomaly was sought to be removed. With Vth Central Pay Commission's recommendations, a more rational restructuring took place, according counsel for the applicants. Thus, those who had been working as Senior Chargeman(AWS) got one step above and obtained the grade of Foreman in scale Rs.1640-2900 (pre-revised) corresponding to Rs.5500-9000. In NAIO, one step up was given and Chargeman and Senior Chargeman obtained the grade of Foreman in scale Rs.1600-2660 (pre-revised) and corresponding revised scale of Rs.5000-8000. Thus, according to the learned counsel for applicants, Senior Chargeman in

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NASO(AWS) redesignated as Chargeman-I came to be placed in Rs.1640-2900(Rs.5500-9000 revised) and Senior Chargeman and Chargeman in NAIO in scale Rs.1600-2660(Rs.5500-8000 revised). It was a decision based on proper deliberations. Learned counsel for the applicants would maintain that A-9 communication dated 2.6.98 from the 3rd respondent clarified the entire position. An anomaly was perceived to be caused on account of nongranting of Rs.5500-9000 scale to Technical Supervisors in NAIO. This was the grievance considered by this Tribunal in O.A.812/98(A-1). Learned counsel for the applicants would plead that the claim of the applicants in O.A.812/98 could be allowed or rejected for reasons to be adduced in disposal of the representation which the Tribunal had directed the respondents to consider. Instead of doing so, the respondents have lowered the pay scale of the applicants to bring it on a par with those who were aggrieved by the grant of the lower scale of pay to them. Since the whole exercise has been done without notice and without authority, the impugned orders were liable to be set aside. Learned counsel for the applicants would highlight the fact that once the Vth Pay Commission's recommendations were accepted by the Government of India and the rules were framed in accordance therewith, orders withdrawing the benefit granted could not be made without notice to the affected parties.

6. Learned SCGSC on his part would maintain that the impugned A-2 and A-3 orders were necessitated by the re-examination of the matter which this Tribunal had directed the respondents to consider vide order in O.A.812/98. The

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Anomalies Committee took note of the anomaly of having placed the erstwhile Senior Chargeman(now Chargeman-I) in AWS under NASO in the scale of Rs.5500-9000 unintentionally while their counterparts in NAIO were in the appropriate scale of Rs.5000-8000. According to the learned counsel, this anomaly could be removed only by downgrading the scale wrongly allowed to Senior Chargeman(presently Chargeman-I) of NASO from Rs.5500-9000 to the correct and appropriate scale Rs.5000-8000. However, inviting our attention to Government of India's O.M.No.11(13)/97/D(Civ.I) dated 26.12.2001(R-1), learned counsel would state that the applicants in the present case can have no grievance since the Government has accepted the recommendations of Vth Pay Commission to introduce four grade structure to the Technical Supervisory category in Defence Establishment in the ratio of 35:25:25:15 for Chargeman-II, Chargeman-I, Assistant Foreman and Foreman respectively. Learned SCGSC would draw our attention to this Tribunal's order in O.A.1250/99 dated 2.4.2002 wherein, on a consideration of the claim of similarly placed applicants working as Chargeman-II and Chargeman-I in NAIO, this Tribunal held that in view of R-1 order, no grievance survived and that if at all any dispute arose out of the implementation in terms of R-1, the applicants therein could take up the matter with the higher authorities in accordance with law. In this view of the matter, the O.A. was liable to be dismissed, the learned SCGSC would urge.

7. We have gone through the pleadings in the O.A., the reply statements, the rejoinders and the further statements

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filed by the parties. We have also carefully considered the arguments put forward by the learned counsel on either side. The main issue focussed in this O.A. is the justifiability of the withdrawal of the pay scale of Rs.5500-9000 granted to the Senior Chargeman (now Chargeman-I) in the AWS under the NASO in the light of the recommendations of the Vth Central Pay Commission which had been accepted and implemented. We find that the Vth Pay Commission considered the various problems which the Technical Supervisory staff under the Defence Establishment faced and after due consideration of their demands and related suggestions, the Vth Pay Commission agreed that a uniform four grade structure should be implemented in all the organisations. However, as regards the manner in which the Technical Supervisors cadre was to be restructured, the Vth Pay Commission made detailed recommendations for each organisation after appreciating the nature of work and other relevant aspects. Following are the recommendations to be considered in the context of the case on hand:

"Naval Ammunition Workshop under NASO	Existing	Proposed	Remarks
	Sr. Foreman Rs.2000-3200	Foreman Rs.2375-3750	Brought on to standard pattern for Tech. Supr. Staff No. of Posts to be changed as per the recommended ratio of 15:25:25:35
	Foreman Rs.1640-2900	Asstt. Foreman Rs.2000-3500	
	Sr. Chargeman Rs.1400-2300	Chargeman I Rs.1640-2900	
	Chargeman Rs.1400-2300	Chargeman II Rs.1600-2660	Upgraded due to higher qualification

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NAIO Ammunition Workshop	Existing	Proposed	Remarks
	Sr. Foreman R. 2375-3500	Foreman Rs. 2375-3750	Rationalised pay scale
		Asstt. Foreman Rs. 2000-3500	New grade as per standard pattern
	Foreman Rs. 1600-2660	Chargeman-I Rs. 1640-2900	Upgraded since the feeder grade is upgraded.
	Sr. Chargeman Rs. 1400-2300 Chargeman Rs. 1400-2300	Chargeman-II Rs. 1600-2660	Direct Recruitment to the extent of 3-1/3% of Engg. Diploma holders/B.Sc. to be intro- duced
NAIO Factory	Sr. Foreman Rs. 2375-3500	Foreman Rs. 2375-3500	No change
		Asstt. Foreman Rs. 2000-3500	New grade to be introduced
	Foreman Rs. 1600-2660 Sr. Chargeman Rs. 1400-2300	Chargeman-I Rs. 1640-2900 Chargeman-II Rs. 1600-2660"	To be made a 100% promo- tion grade

These are incorporated in the CCS(Revised Pay) Rules, 1997 published as per notification dated 30.9.97(A-10). It is evident from the said notification that Senior Chargeman in NAW under NASO in the prrevised scale of Rs.1400-2300 was placed in the revised scale of Rs.5500-9000 and Chargeman in the same organisation and who were enjoying the pre-revised scale of Rs.1400-2300 was placed in the revised scale of Rs.5000-8000. However, Senior Chargeman and Chargeman in NAIO who had been in the pre-revised scale of Rs.1400-2300 were allowed the revised scale of Rs.5000-8000 as per the recommendations of the Vth Pay Commission vide paragraph 63.302 of the Vth CPC's Report. Apparently, the

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recommendations of the Vth Central Pay Commission accepted in respect of the Technical Supervisors under the Defence Establishment were circulated for implementation as per Ministry of Defence letter No.CP(P)/7837/Report/765/98/D(Civ.I) dated 28.4.98. We have not been able to peruse the said letter since a copy of the same is not on record. The said letter is no doubt referred to in A-9 letter of Naval Headquarters bearing No.CP(P)/7837/Report dated 2.6.98 in the context of certain representations received from various Associations/Unions alleging certain disparity with regard to the pay scales implemented for Technical Supervisory staff in terms of the Vth Pay Commission's recommendations. We would presently refer to this Tribunal's order in O.A.No.812/98 dated 17.6.98(A-1) dealing with the grievance of some Senior Chargeman and other Technical Supervisory staff working under NAIO. It is borne out from the records that the grievance in that case was that in the matter of redesignation of posts and pay scale, the applicants therein had been discriminated and given a lower pay scale as compared to their counterparts in the NASO. In other words, the Senior Chargeman and other Technical Supervisory staff of NAIO were aggrieved that their pay scales were one notch below those of their respective counterparts in NASO. This Tribunal, after considering the facts, disposed of the application with a direction to the respondents to place the representations of the applicants therein before the Anomalies Committee constituted to set right the anomalies on account of the implementation of the Vth Pay Commission's report for consideration at an early date. Thus, the anomaly, if any,

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involved in prescribing a lower pay scale for the applicants in O.A.No.812/98 alone was referred back for fresh consideration at the appropriate forum as per the order of this Tribunal. There was no direction with regard to any anomaly involved in the recommendations regarding the pay scales allowed to the category of employees to which the applicants in the present O.A. belonged. However, we notice that as per the impugned orders in the light of the Anomaly Committee's findings, pay scale allowed to the Senior Chargeman in AWS under NASO has been levelled down on the ground that such grant was based on a mistake in identity and that as such, the same was incorrect. In effect, the anomaly has been removed in a negative manner, i.e. not by deciding the matter in favour of the applicants in O.A.812/98 who raised the question of anomaly, but by bringing down the scale of their counterparts in NASO on a par with theirs. In our considered view, this decision on the part of the respondents is wholly unjustified and hence unsustainable.

8. As per Naval Headquarters' letter dated 2.6.98 which was circulated as per Establishment Memo No.45/98 dated 23.6.98 of NAD, Alwaye(vide A-9), the representations received on account of the alleged disparity arising out of the implementation of the Vth Pay Commission's recommendations in respect of upgraded pay scales to Technical Supervisory staff are dealt with and a clarification with regard to the grant of higher pay scale for Chargeman in AWS under NASO is offered. It is considered profitable to quote the relevant extracts of the Naval Headquarter letter dated 2.6.98 contained in A-9:

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"3. It may be noted that prior to Vth CPC, the position in Naval Ammunition Workshop under NASO and those in NAIO workshop was as under:

Post	Pay Scale after IV CPC NASO	Pay Scale after IV CPC NAIO
Sr.F/M	Rs.2000-3200	Rs.2375-3500
F/M	Rs.1640-2900	Rs.1600-2660
Sr.C/M	Rs.1400-2300	Rs.1400-2300
C/M	Rs.1400-2300	Rs.1400-2300

4. It may be seen from above that the post of Sr. F/M in Naval Ammunition Workshop under NASO had a lower pay scale on the one hand and F/M in the same workshop had a higher pay scale than his counterpart in Ammunition Workshop under NAIO on the other. With the rationalisation of the pre-revised scales of Rs.380-560 and Rs.425-700 into one scale of Rs.1400-2300 by the IVth CPC, an anomaly was created between the posts of Chargeman and Sr.Chargeman. The Vth CPC has studied this anomaly and removed the same by prescribing two different pay scales to Sr.Chargeman and Chargeman. The Vth CPC has standardised the designations for Technical Supervisory staff in all Defence Establishments by re-designation of Technical staff in the scale of Rs.5000-8000 as Chargeman Gde-III, in the scale of Rs.5500-9000 as Chargeman I, Rs.6500-10500 as Assistant Foreman and Rs.7450-11500 as Foreman and have recommended an intergrade ratio of 15:25:25:35 by creating new grades wherever necessary.

5. In view of the position stated above, it is evident that the Vth CPC recommendations have attempted to remove the disparities which existed earlier. It is not denying the fact that each and every category of Technical Supervisory Staff has been granted one up pay scale than common replacement pay scale."

It would thus appear that Senior Chargeman under NASO came to be placed in the pre-revised scale of Foreman at Rs.1640-2900 and, consequently, was given the revised scale as per Vth Pay Commission's recommendations at Rs.5500-9000 whereas Senior Chargeman under NAIO was given the one up scale of Foreman in that organisation at Rs.1600-2660 with the corresponding

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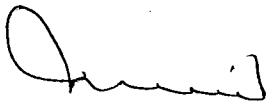
revised scale of Rs.5000-8000. In our view; therefore, the theory of mistake in identity allegedly committed by the Vth Pay Commission has no basis. We are inclined to agree with the applicants' contention in this regard that the Vth Pay Commission has considered the factual position particularly with reference to the nature of work, duties and responsibilities of Technical Supervisory staff in AWS under NASO and those in the Inspection Organisation under NAIO. In this connection, we take note of the fact that Naval Headquarters letter dated 2.6.98 is communicated as per endorsement dated 23.6.98(A-9) probably a few days after this Tribunal passed the order in O.A.812/98 dated 17.6.98. This is only to show that the respondents' own perception as to the nature of the alleged anomaly raised by the applicants in O.A.No.812/98 is clearly reflected in communication dated 2.6.98 which constitutes the substance of A-9 communication. Suffice it to say, the respondents have justified the Vth Pay Commission's recommendations since accepted and implemented. The theory of mistake in identity therefore deserves to be rejected. As has already been observed, A-10 notification dated 30.9.97 formulated in exercise of the powers conferred on the President, contains the rules governing the grant of revised scales in terms of the recommendations of the Vth Pay Commission accepted by the Government of India and under these rules, the Senior Chargeman in the AWS at the relevant point of time drawing the pay scale of Rs.1400-2300 would be eligible for Rs.5500-9000 and Chargeman in the same organisation i.e. NASO placed in the same scale of Rs.1400-2300 would get revised the scale of Rs.5000-8000.

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Under the very same rules, the Senior Chargeman and Chargeman in the NAIO who were having the scale of Rs.1400-2300 would be getting the revised scale of Rs.5000-8000 and this rule cannot be nullified or substituted by the impugned orders.

9. In the conspectus of facts discussed above, we are of the considered view that the impugned A-2 communication dated 30.10.2000 is unsustainable and hence liable to be set aside. We also hold that A-3 dated 11.1.2001 proposing recovery of over payment of pay and allowances with effect from 1.1.96 consequent on the downgradtion of the pay scale and refixation of pay is also unsustainable and hence liable to be set aside. We therefore set aside the impugned A-2 order dated 30.10.2000 and A-3 order dated 11.1.2001. No order or action, if any, issued or taken in pursuance of A-2 and A-3 can be held to be of any consequence to the applicants. The respondents are directed to allow the applicants to continue to draw pay and allowances in the scale of pay as recommended by the Vth Pay Commission and accepted and implemented by the Government, prior to A-2 order. There is no order as to costs.

Dated, the 19th March, 2003.

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

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