

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

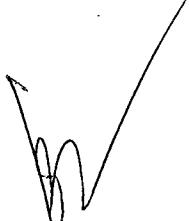
O.A.NO.194 OF 2007

Wednesday, this the 27th day of August, 2008.

CORAM:

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE Dr. K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

1. Thulasi S.
Administrative Officer (DDO),
Central Excise Hqrs Office,
C.R. Building, I.S.Press Road, Cochin – 18
Residing at – Kadavil House,
Maradu P.O, Ernakulam – 682304.
2. K.T. Kanakarajan
Administrative Officer(DDO),
Service Tax Division
Central Excise Bhavan, Cochin – 17
Residing at – Palakkappally Building
Kumaranasan Junction
Elamkulam, Cochin - 17
3. K. Saseendranthan
Administrative Officer (HQ),
Central Excise Hqrs Office,
CR Building, I.S.Press Road
Cochin – 18
Residing at – South Chittoor, Cochin - 27
4. K.G.Parvathykutty
Administrative Officer (HQ),
Customs (Preventive) Hqrs Office
CR Building, I.S.Press Road, Cochin – 18
Residing at – Chemmangat House, Thiruvamkulam
Ernakulam
5. P.V.Sujatha
Administrative Officer(DDO),
Customs (Preventive), Hqrs Office,
C.R. Building, I.S.Press Road, Cochin – 18
Residing at – “Sukrisha”, Edappally,
Cochin – 24
6. Kumari Sreekumar
Administrative Officer(DDO),
Customs (Preventive) Division, Ernakulam
Central Excise Bhawan, Cochin - 17
Residing at – “Nitya Sree”, Tripunithura, Ernakulam



7. T.V. Anamma
Administrative Officer(DDO),
Central Excise Ernakulam I Division
Central Excise Bhawan, Cochin - 17
Residing at - "Chevakkulam", Mulavukadu PO, Ernakulam

8. M.Rajam
Administrative Officer(DDO),
Central Excise Ernakulam II Division,
Central Excise Bhawan, Cochin - 17
Residing at - "Sreevihar", Alagappa Nagar, Amballoor
Trichur District

9. T.Kallianikutty
Administrative Officer (Accounts II),
Central Excise Hqrs Office
Trivandrum Commissionerate, ICP Bhawan, Trivandrum - 1
Residing at - H.No.30/1666
Perumpadappu Gardens, Poonithura PO,
Ernakulam.

10. C. Anasooya
Administrative Officer (DDO),
Central Excise Hqrs Office,
Trivandrum Commissionerate ICE Bhawan, Trivandrum-1
Residing at No.9, Mudaliyar South Street
Kottar, Nagercoil PO, Kanyakumari District

11. M. Sathiamma
Administrative Officer (HQ),
Central Excise Hqrs Office,
Trivandrum Commissionerate ICE Bhawan, Trivandrum-1
Residing at Pulikal House, Pyari Junction
Thoppumpady, Cochin, Ernakulam - 5

12. P.Prasannakumari
Administrative Officer (DDO),
Central Excise Division, Eranhipalam, Kozhikode,
Residing at - "Suhas", Nellicode PO, Kozhikode - 16

13. P.C.Rajalakshmi
Administrative Officer(DDO),
Customs Division, ICE Bhawan, Trivandrum - 1
Residing at - "Ragam", H.No.1/4014, East Hill, Kozhikode

14. K.Vijayalakshmi
Administrative Officer(DDO),
Central Excise Division, Kottayam
Residing at - "Deva Priya", Railway Station Road
Ettumanoor P.O, Kottayam

15. P.Thankamani Amma
Administrative Officer(DDO),
Customs (Preventive) Division, Eranhipalam PO
Calicut, Residing at "Sreevilasam", Eranjikkal PO, Kozhikode - 3

16. A.Chitrangi
 Administrative Officer(DDO),
 Central Excise Hqrs Office,
 Calicut Commissionerate, CR Building
 Mananchira, Kozhikode-1
 Residing at - "Chithralayam"
 Pulpambil, Kozhikode – 17

17. V.Vasantha
 Administrative Officer (HQ),
 Central Excise Hqrs Office,
 Calicut Commissionerate, CR Building
 Mananchira, Kozhikode-1
 Residing at - "Abhilash" House, Payambra P.O,
 Kozhikode – 71

18. P.Sundarambal
 Administrative Officer Hqrs Office,
 Calicut Residing at - "Visakh", Kakkanad, Cochin – 21

19. Latha Sarath
 Administrative Officer(DDO), Central Excise Division, Kannur
 Residing at Thrikkakara, Vazhakkala, Cochin – 31

20. J.Rahiyanath Beevi
 Administrative Officer (DDO),
 Central Excise Palghat II Division
 C.R.Bulding, Palghat – 1
 Residing at "Rahath", Thundathil P.O
 Kariavattom, Trivandrum

21. C.V.Jayaraman
 Administrative Officer(DDO),
 Central Excise Palghat 1 Division
 C.R.Building, Palghat – 1
 Residing at H.No.3/36, Street No.2,
 Venkateswara Colony
 Ambikapuram P.O, Palghat – 1

22. C.M.Vasanthy
 Administrative Officer(DDO),
 Central Excise Division, Trichur
 Residing at Deepak House, Edappal P.O
 Malappuram District

23. T.P.Shyamala
 Administrative Officer(DDO),(Retd. on 31.1.07)
 Central Excise Residing at
 Palakka Parambil House P.O
 Payyanad, Manjeri

Applicants

(By Advocate Mr.Shafik M.A)

V.

1. Union of India represented by Secretary
Department of Revenue
Ministry of Finance
New Delhi
2. The Secretary to Government of India
Department of Expenditure
Ministry of Finance, New Delhi
3. The Chairman
Central Board of Excise & Customs, New Delhi
4. The Chief Commissioner
Central Excise and Customs,
Kerala Region, Cochin : Respondents

(By Advocate Mr. Thomas Mathew Nellimoottil)

The application having been heard on 30.07.2008, the Tribunal
on ~~27-08-08~~ delivered the following:

O R D E R

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicants in this case are presently working as Administrative Officers under the Chief Commissioner, Central Excise and Customs, Kerala Region, Cochin. The post of Administrative Officers, on the recommendations of the Vth Central Pay Commission vide Para 46.13 were re-organised whereby the post in the pay scale of Rs.2000-3200 and Rs.2000-3500 were clubbed together in a new class of Administrative Officers in the pay scale of Rs.2000-3500. The aforesaid decision was implemented in the Central Board of Direct Taxes under the same Administrative Ministry and thus the Administrative Officers of the Income Tax Department have already been sanctioned the revised pay scale of Rs.7500-12000 with effect from 01.01.1996. Apart from the above, the Recruitment Rules were also suitably amended vide Annexure A-1.



According to the applicants, in addition to the Income tax Department in various other departments having the post of Administrative Officers, such a revised pay scale has been implemented as could be seen from Annexure A-2 to A-4. However, in so far as the case of the applicants is concerned, no such revised pay scale was granted and thus there has been a discrimination in respect of pay parity. As such, the applicants have prayed for the following relief:-

(i) To declare that the applicants are entitled to be placed in the pay scale of at least 7500-250-12000 as per the recommendations of the Vth CPC as has been done in Income Tax Department.

(ii) To direct the respondents (1) & (2) to pass necessary orders revising the pay scale of Administrative Officers of Central Excise Department; on par with the Administrative Officers of Income tax Department of the same Ministry as

SR.AO scale of pay of Rs.10000-325-15200
AO GR.II scale of pay of Rs.7500-250-12000, and
AO GR.III scale of pay of Rs.6500-200-10500

Immediately with retrospective effect from 01.01.96, with all consequential benefits including arrears of pay with 18% penal interest;

(iii) To direct the respondents to pass necessary orders on Annexure A-5 and similar representations immediately and to constitute any necessary committee, required for the redressal of the applicants' grievances.

2. Respondents have contested the OA. According to them, the applicants are not eligible for any such revision of pay scale since there is no "functional parity" between the Ministerial cadres and Executive Group 'B' and 'C' cadres. They have also relied upon a decision by the Ahmedabad Bench in OA 188/05 decided on 10.11.2005 of the very same Department vide Annexure R-3. Applicants have filed the rejoinder stating that the clarification vide Annexure R-1 as well as the Tribunal's decision



vide Annexure R-3 are not relevant to the facts of this case.

3. When the case came up for consideration, counsel for applicant submitted that hitherto there has always been of pay parity and it is only after the recommendations of the Vth Central Pay Commission was implemented that the difference has arisen in the pay scales of Administrative Officers of the Central Excise and Customs Department qua their counter parts in other Departments. As such the counsel for applicant submitted that it would be in the interest of justice that the respondents are directed to re-consider the entire matter and arrive at a judicious decision.

4. Counsel for respondents however submitted that in view of Annexure R-3 order dated 10.11.2005 no further consideration is essential. It is not known whether the aggrieved applicant in the aforesaid OA had taken the matter further. A perusal of Annexure R-3 shows that the matter pertains to revision of pay of Administrative Officers and the same is evidenced from the following narration:-

" According to the applicant, the role and the functions of the Office Superintendent and Administrative Officer are quite similar and identical and as such, non extension of the scale of Rs.7500-12000 to the cadre of AO is a clear case of hostile discrimination indulged into by the respondents. He has demanded that the pay parity on the principle of equal pay for equal work should be maintained and he also be extended the same benefit of the pay scale of Rs.7500-12000 from the date of the same were extended to the AOs."

5. It is with reference to the claim of the applicants therein that the Tribunal vide Para 13 has held as under:-

" For the aforesaid reasons, we do not find any merit in this OA and find that no case of hostile discrimination is made out by the applicant and as such, he is not entitled to claim parity in the pay scale with that of Superintendent Grade 'B'. The OA therefore, deserves to be rejected and accordingly, the same is rejected with no order as to costs. MA 199/05 also stands disposed of."

6. As per the normal practice and judicial ethics a co-ordinate Bench is to respect the decision of other co-ordinate Bench and as such we are in respectful agreement with the decision of the Ahmedabad Bench. As such, the application has to fail and accordingly it is **dismissed**. It is however, open to the 1st respondent to re-consider the matter if he so desires. Independent of the same, if the Ahmedabad Bench decision is taken up before the higher Courts and if there be any variation in the decision, the same would apply to the case of the applicants herein also. No costs.

Dated, the 27th August, 2008.



Dr.K.S.SUGATHAN
ADMINISTRATIVE MEMBER



Dr.K.B.S.RAJAN
JUDICIAL MEMBER

VS