


**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A.NO.194 OF 2007**

*Wednesday*, this the 27<sup>th</sup> 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. Annamma  
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"  
Pulparambil, 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.Rahiyannath Beevi  
Administrative Officer (DDO),  
Central Excise Palghat II Division  
C.R.Building, 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.Vasanthi  
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:

### ORDER

**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:-

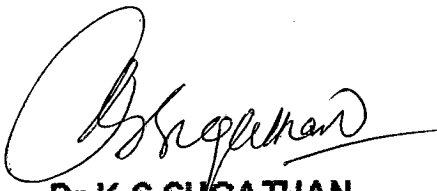


*" For the aforesaid reasons, we do not find any merit in this OA and find that no case of hostile discrimination is made out by the applicant and as such, he is not entitled to claim parity in the pay scale with that of Superintendent Grade 'B'. The OA therefore, deserves to be rejected and accordingly, 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 27<sup>th</sup> August, 2008.

  
**Dr.K.S.SUGATHAN**  
**ADMINISTRATIVE MEMBER**

  
**Dr.K.B.S.RAJAN**  
**JUDICIAL MEMBER**

VS