

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.222/99

Friday this the 15th day of June, 2001.

CORAM

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER  
HON'BLE MR. G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. P.R.Soman  
Son of Ramakrishnan Nair
  2. Vilson Kurian  
Son of K.V.Kurian
  3. A.Rozario  
Son of T.A.Tantony
  4. T.V.Surendran  
Son of Velayudhan
  5. R.D.Pathrose  
Son of Devassy
  6. Sunny Kurian  
Son of M.J.Kurian
- ...Applicants

(All are employed as Refrigeration Mechanic in the office of Assistant Garrison Engineer B/R(M), Military Engineering Service, N.A.D., Aluva.)

By advocate Mr. Asok M.Churian

Versus

1. Union of India represented by the  
Secretary, Ministry of Defence  
New Delhi.
  2. The Engineer-in-Chief  
Army Headquarters  
New Delhi.
  3. The Commander Works Engineer  
Military Engineering Service (MES)  
Naval Base (PO), Kochi.
- ...Respondents

By advocate Mr.K.Kesavankutty, ACGSC

The application having been heard on 15th June, 2001, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER

Applicants seek the following reliefs:

- i) Declare that the applicants are entitled for the benefits of A-1 order and the consequential benefits available to them by the recommendation of the 4th and 5th Pay Commissions based on the pay scale fixed as per A-1 order.
- ii) Declare that the denial of grant of same scale of pay as is drawn by their junior holding the same post to the applicants is violative of Articles 14, 16 and 21 of the Constitution of India.
- iii) Call for records leading to A-4 and quash the same.

- iv) Direct respondents to fix pay of the applicants in scale Rs. 330-480 with effect from 16.10.81 as provided in A-1 and pay them arrears of salary and other emoluments.
- v) Direct the respondents to grant the applicants pay in the scale of Rs. 4000 - 6000 as is drawn by their junior pursuant to the recommendation of the 5th Pay Commission which in turn has been fixed based on the scale granted by A-1 order and pay them arrears of salary and other emoluments consequent thereto.
- vi) Issue any other orders, declaration or direction appropriate in the circumstances of the case.

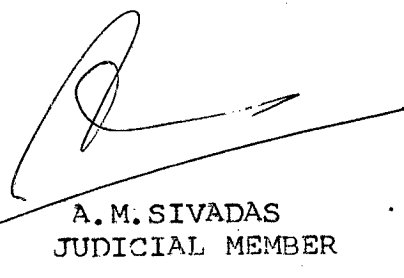
2. When the OA was taken up, learned counsel appearing for the applicants submitted that in the light of the rulings in OA No.901 of 1998 and OA No.1041 of 1998, this OA is liable to be dismissed.

3. Accordingly the OA is dismissed.

Dated 15th June, 2001.



G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER



A.M. SIVADAS  
JUDICIAL MEMBER

aa.

Annexures referred to in this order:

- A1 True copy of the Government of India, Ministry of Defence letter No.1(2)/80/D(ECC/TC) dated 11.5.83.
- A-4 True copy of the letter No.19506/KVM/206/E1 NB dated 27.11.97 of the 3rd respondent as communicated through the 4th respondent by his letter No. 106/483/E1 dated 12.12.97.