

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

D.A.1678/97 and D.A.27/98

Tuesday, this the 13th day of January, 1998.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR SK GHOSAL, ADMINISTRATIVE MEMBER

D.A.1678/97

1. OP George,
Office Superintendent Grade-II,
Naval Armament Depot,
Aluva.
2. S Hariharan,
Office Superintendent Grade-II,
Naval Armament Depot,
Aluva.
3. PK Madhavankutty,
Office Superintendent Grade-II,
Naval Armament Depot,
Aluva.

- Applicants

By Advocate Mr NN Sugunapalan

Vs

1. Union of India represented by
the Secretary,
Ministry of Defence,
New Delhi.
2. The Chief of Naval Staff,
Naval Headquarters (D.C.P)
New Delhi.
3. Flag Officer Commanding-in-Chief,
Southern Naval Command,
Kochi.

The General Manager,
Naval Armament Depot,
Aluva.

- Respondents

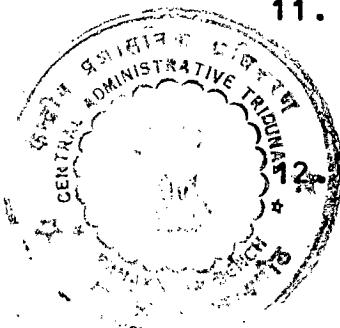
By Advocate Mr S Radhakrishnan, ACGSC



O.A.27/98

1. Grace T Rozario,
Office Superintendent Grade-II,
Indian Naval Ship Dronacharya,
Naval Base, Kochi-4.
2. Rajeswary Balan,
Office Superintendent Grade-II,
Indian Naval Ship Dronacharya,
Naval Base, Kochi-4.
3. Daisy Paulose,
Office Superintendent Grade-II,
Indian Naval Ship Garuda,
Naval Base, Kochi-4.
4. Mery Johny,
Office Superintendent Grade-II,
INS Garuda, Naval Base,
Kochi-4.
5. Sailu Ramachandran,
Office Superintendent Grade-II,
Naval Store Depot,
Naval Base, Kochi-4.
6. AV Pushpavally,
Office Superintendent Grade-II,
Naval Store Depot,
Naval Base, Kochi-4.
7. M Saroja,
Office Superintendent Grade-II,
Naval Store Depot(K),
Naval Base, Kochi-4.
8. MA Sarojini,
Office Superintendent Grade-II,
Naval Store Depot(K),
Naval Base, Kochi-4.
9. PPN Kartha,
Office Superintendent Grade-II,
Naval Store Depot(K),
Naval Base, Kochi-4.
10. KJ Baby Carmel,
Office Superintendent Grade-II,
Indian Naval Ship Venduruthy,
Naval Base, Kochi-4.
11. R Leela Devi,
Office Superintendent Grade-II,
Indian Naval Ship Venduruthy,
Naval Base, Kochi-4.
- AJ Teresa,
Office Superintendent Grade-II,
Indian Naval Ship Venduruthy,
Naval Base, Kochi-4.

- Applicants



13. V Vasumathy,
Office Superintendent Grade-II,
Indian Naval Ship Venduruthy,
Naval Base, Kochi-4.
14. G Prakasini,
Office Superintendent Grade-II,
Naval Base, Kochi-4.
(Headquarters Southern Naval Command)
15. MT Mary,
Office Superintendent Grade-II,
Indian Naval Ship Garuda/NIAT,
Naval Base, Kochi-4.
16. Mary Daniel,
Office Superintendent Grade-II,
Naval Ship Repair Yard,
Naval Base, Kochi-4.
17. TD Joseph,
Office Superintendent Grade-II,
Naval Ship Repair Yard(K),
Naval Base, Kochi-4.
18. KK Retnamma,
Office Superintendent Grade-II,
Motor Transport Office(Venduruthy),
Naval Base, Kochi-4.
19. M Bhamini,
Office Superintendent Grade-II,
Naval Aircraft Yard,
Naval Base, Kochi-4.
20. KN Satheemani,
Office Superintendent Grade-II,
Naval Armament Inspection Service,
Naval Base, Kochi-4.
21. M Sankaranarayanan,
Office Superintendent Grade-II,
Headquarters, Southern Naval Command,
Naval Base, Kochi-4.
22. Margaret Mary Venadp,
Office Superintendent Grade-II,
Central Registry,
Headquarters, Southern Naval Command,
Naval Base, Kochi-4.
23. K Sreedharan,
Office Superintendent Grade-II,
Command Logic Office,
Headquarters, Southern Naval Command,
Naval Base, Kochi-4.
- CV George,
Office Superintendent Grade-II,
Training Division,
Headquarters, Southern Naval Command,
Naval Base, Kochi-4.

- Applicants



25. PJ Mariamma,
Office Superintendent Grade-II,
Naval Store Depot(K),
Naval Base, Kochi-4.

- Applicants

By Advocate Mr NN Sugunapalan

Vs

1. Union of India represented by the Secretary, Ministry of Defence, New Delhi.
2. The Chief of Naval Staff, Naval Headquarters(S.C.P) New Delhi.
3. The Flag Officer Commanding-in-Chief, Southern Naval Command, Kochi-4.
4. The Commodore Superintendent, Naval Ship Repair Yard, Naval Base, Kochi-4.

- Respondents

By Advocate Mr S Radhakrishnan, ACGSC

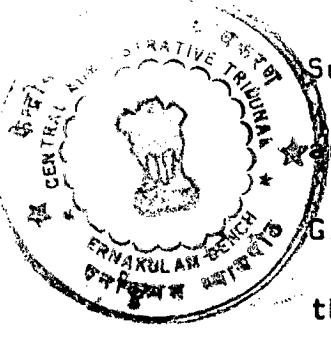
The application having been heard on 13.1.98 the Tribunal on the same day delivered the following:

O R D E R

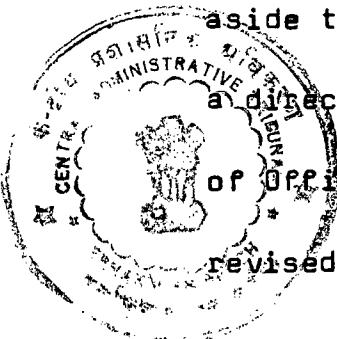
HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

As the facts, circumstances, the relief claimed as also the question of law involved in these two cases are almost identical, these cases are being heard on admission together.

2. The three applicants in O.A.1678/97 are Office Superintendents Grade-II in the Naval Armament Depot, Aluva and the 25 applicants in O.A.27/98 are Office Superintendents Grade-II, Naval Base, Kochi. Their grievance is that though they have been promoted as Office Superintendents Grade-II



after long years of service in the lower cadre and had been primarily performing supervisory functions, on acceptance of the report of the Vth Central Pay Commission, the first respondent has issued an order dated 2.12.97^(A-1) redesignating the post of Office Superintendent Grade-II as Assistant and by order dated 18.11.97(A-2)brought the Assistant including the Office Superintendent and Head Clerk who had been redesignated as Assistant in a common pay scale. The Head Clerks in the organisation had not been performing any supervisory functions according to the applicant, and their placement on par with the applicants who were essentially performing supervisory functions offends Article 14 of the Constitution, as unequals cannot be justifiably treated equally. Pointing out this anomaly and claiming that the position should be reconsidered retaining the cadre of the Office Superintendent Grade-II at a higher level than that of the Head Clerk, the applicants made representations. The copies of the representations made by the applicants in O.A.1678/97 are Annexures A5 to A7 and the copy of representation made by the 17th applicant in O.A. 27/98 is at A-4 in that case. There is no response to these representations. Therefore the applicants have sought to set aside the orders at A-1 and A-2 in both the cases and pray for to direction to the respondents/equate and integrate the posts of Office Superintendent I and II and extend the benefit of revised pay scale of Office Superintendent/Grade-II also.



3. We have heard the learned counsel for the applicants as also the learned counsel for respondents and have perused with meticulous care the averments in the application and the documents appended to the application. Noting that it would be rather improper for the Tribunal at this stage to sit in judgement over the recommendations of the Pay Commission, a body consisting of experts in the field for suggesting the pay scales and the cadre structure, counsel on either side suggested that the representations made by the applicants in these cases may be directed to be placed before the Anomalies Committee or the Official Committee set up in this regard with an appropriate notes by the second respondent for its consideration.

4. In view of the above submission by the learned counsel on either side, both these applications are disposed of directing the second respondent to place the representations submitted by the applicants in these two cases with appropriate notes before the Committee set up for setting right the anomalies arising out of the report of the Vth Central Pay Commission for its deliberation and such remedial actions as found necessary, as expeditiously as possible. No costs.

Dated, the 13th January, 1998.

Sd/-
S K GHOSAL
ADMINISTRATIVE MEMBER

Sd/-
A V HARIDASAN
VICE CHAIRMAN

trs/141

CERTIFIED TRUE COPY

Date 20.1.98

Deputy Registrar



List of Annexures in O.A 1678/97

1. Annexure A.1 Memorandum No.CS 2033/43/A dated 2-12-97 issued by the third respondent.
2. Annexure A.2 Addendum No.11(6)/97/D(Civ-I) dated 18-11-97 issued by the 1st respondent to the applicants
3. Annexure A.5 Representation dated 19-12-97 submitted by the 1st applicant before the 2nd respondent.
4. Annexure A.6 Representation dated 19-12-97 submitted by the 2nd applicant before the 2nd respondent
5. Annexure A.7 Representation dated 19-12-97 submitted by the 3rd applicant before the 2nd respondent.

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List of Annexures in OA 27/98

1. Annexure A.1 Memorandum No.CS.2033/43/A dated 2-12-1997 issued by the 3rd respondent.
2. Annexure A.2 Addendum No.11(11)/97/D (Civ-I) dated 18-11-1997 issued by the 1st respondent to the applicant.
3. Annexure A.4 Representation submitted by the 17th applicant to the 2nd respondent, dated 15-12-1997.

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