

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.310 of 1994

Thursday, this the 22nd day of December, 1994.

CORAM

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR P SURYAPRAKASAM, JUDICIAL MEMBER

1. KN Sivasankara Panicker,  
Sub- Overseer,  
Garrison Engineer, Cochin-4.
2. T Natarajan,  
Sub- Overseer,  
Garrison Engineer, Cochin-4.

...Applicants

By Advocate Mr PV Mohanan.

Vs.

1. Union of India rep. by Secretary,  
Ministry of Defence,  
New Delhi.
2. Engineer-in-Chief,  
Kashmir House,  
Army Headquarters, DHQ P.O.,  
New Delhi-110 011.
3. Chief Engineer,  
Southern Command,  
Pune- 411 001.
4. Chief Engineer, Navy,  
Cochin-4.

...Respondents

By Advocate Mr C Kochunni Nair, Senior Panel counsel.

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicants who are working as Sub- Overseer in the Military Engineer Services (MES) claim that they are performing the same duties as Work Assistants in the CPWD, and that they should be paid the same scale of pay. Earlier they had approached the Tribunal in O.A. 865/92 and obtained

...2/-

a direction that their representations be considered by the respondents. Accordingly, respondents have passed the impugned order A-1 rejecting the claim of the applicants.

2. The impugned order states that the essential qualification required for Work Assistants in CPWD is elementary knowledge of Engineering and Simple Accounts, while no such essential qualification was prescribed for Sub-Overseer in MES. This is so as seen from A6 and A7. The Sub-Overseers only assist the Superintendent B/R Grade-II. According to the impugned order A1, the work environment also totally differs since the Work Assistant works in a civilian environment, while the Sub-Overseer works in a Defence environment.

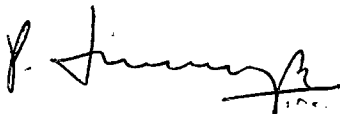
3. Though the two posts were on the same scale of pay till 22.9.79(A-2) by virtue of an Arbitration Award, the Work Assistant in CPWD was placed on a higher scale of pay which was reflected in the scales fixed by the Fourth Pay Commission. It is seen that the applicants did not avail themselves of the opportunity presented by the Fourth Pay Commission to press their case. The matter of fixation of scale of pay is a policy matter, and is to be done according to the advice of Expert Bodies, like the Pay Commission, and this Tribunal would be reluctant to make a fact adjudication about the parity of different posts. The Pay Commission should be the proper forum where the applicants should present their case, if any, for parity of scales. Now the Fifth Pay Commission is examining the question of Pay Scales

of the various posts, and the applicants<sup>may,</sup> if so advised, choose to avail of that opportunity to press their contentions. Applicants have stated that their cadre is a 'wasting category', and that there are only two persons remaining in the category. If so, their cases deserve to be considered as sympathetically as possible. This is a relevant point for consideration by the Expert Bodies.

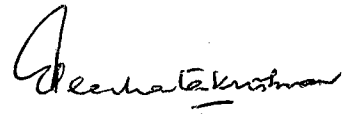
4. In the above circumstances, we do not see our way to accept the prayer of the applicants. We accordingly, dismiss the application. However, the dismissal of the application would not preclude applicants from moving the appropriate forums for redressal of their grievances.

No costs.

Dated the 22nd day of December, 1994.



P SURYAPRAKASAM  
JUDICIAL MEMBER



PV VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

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List of Annexures

1. Annexure-A1: True copy of the letter No.90237/3860/  
EIC(3)/26/US/D (W-II) Govt. of India  
dated 7th Feb.94 issued to the applicants.  
by R1.
2. Annexure-A6: True copy of order in O.A.865/92 dt.  
8.7.1993 pronounced by this Hon'ble  
Tribunal.
3. Annexure-A7: True copy of the Statutory Rules and  
order of R.1, 309 dt.10.8.71.