

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.318/2001

Monday this the 2nd day of December, 2002.

CORAM

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

1. T.M.Abraham
S/o Mathai
Master II Class, Naval Ship Repair Yard
(Yard Crafts Organization)
Naval Base, Kochi.
Residing at Thottapackil House
Koothanattukulam, Ernakulam.

2. V.K.Ali
S/o Kayin
Mate, Naval Ship Repair Yard
(Yard Crafts Organization)
Naval Base, Kochi.
Residing at Thottakattu House
Chirakkal, Palluruthy
Ernakulam.

Applicants

(By advocate Mr.T.C.Govinda Swamy)

Vs.

1. Union of India represented by
The Secretary to the Government of India
Ministry of Finance
New Delhi.
2. The Secretary
Ministry of Defence
New Delhi.
3. The Chief of the Naval Staff
New Delhi.
4. The Flag Officer Commanding-in-Chief
Headquarters
Southern Naval Command
Kochi.

Respondents

(By advocate Mr.C.Rajendran, SCGSC)




.2.

The application having been heard on 2nd December, 2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

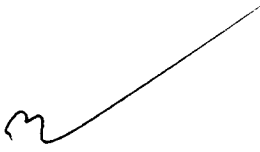
Applicants who are Master Class II in the Cochin Naval Ship Repair Yard claimed parity in pay with Engine Drivers Grade-I and made representations. Since they did not get a favourable decision, they approached this Tribunal by filing OA No.453/99. Taking note of the contention in the reply statement that a proposal has been made to extend the pay scale of Rs.5000-8000 to the Master Class II, which was pending with the Naval Headquarters, that application was disposed of with a direction to the respondents to take a final decision in the matter. In obedience to the above directions, the impugned order A-3 dated 7.4.2000 has been issued and communicated to the 4th respondent by the 3rd respondent stating that the request of the applicants cannot be accepted for the reason that different pay scales have been recommended for Deck Staff and Engine Room Staff in the recommendations of the Vth Central Pay Commission, the applicants are not entitled to claim parity and that the Ministry of Defence did not consider it an anomaly, nothing further is to be done in the matter. Aggrieved by that, the applicants have filed this application seeking to set aside the impugned orders, for a declaration that the grant of scale of pay of Rs.4500-7000 to Master II Class/Mates on and with effect from 1.1.96 is



arbitrary, discriminatory and unconstitutional, that the applicants are entitled to have a pay scale higher than Rs.5000-8000 with effect from 1.1.96 .

2. Respondents in their reply statement resist the claim of the applicants on the ground that the applicants cannot claim parity with Engine Room Staff as their duties and responsibilities are different and that the Master Class II do not function as Master in charge of Oil Tankers.

3. We have heard the learned counsel on either side and have perused the pleadings and documents on record. The Vth Central Pay Commission had gone into the question of fixation of pay scales to Master Class I & II and had recommended the pay scale of Rs.4500-7000 to Master Class II. Although the matter was considered at the Joint Consultative Machinery, the Ministry of Defence did not consider it an anomaly and therefore they did not refer the matter to the Anomalies Committee. The claim of the applicants for the pay scale of Rs.5000-8000 was considered by the 3rd respondent and it was rejected on the ground that no parity can be claimed between the Deck Staff and Engine Room Staff as their duties and responsibilities are not comparable. It is settled by a catena of rulings of the Apex Court that it is not the function of Court/Tribunals to prescribe and direct pay scales to various posts, which should be left to competent Ministries/Departments to determine after obtaining the advice of expert bodies like the Pay Commission. In this case, an authority on the point can be had in the ruling in UOI and



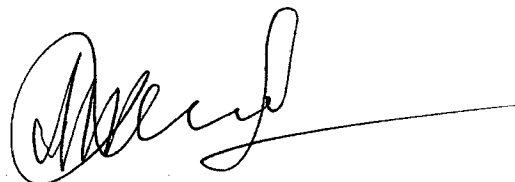
another Vs.P.V.Hariharan & another [1997 SCC (L&S) 838]. Since the claim of the applicants that Master II Class supervises the functions of Engine Driver Grade I is not borne out either from the pleadings or by records. Those are two categories of posts discharging different nature of duties and functions .

4. In the light of what is stated above, finding no reason for judicial intervention in the matter, the application is rejected, leaving the parties to bear their own costs.

Dated 2nd December, 2002.



(T.N.T.NAYAR)
ADMINISTRATIVE MEMBER



(A.V.HARIDASAN)
VICE CHAIRMAN

aa.

A P P E N D I X

Applicant's Annexures:

1. A-1: A true copy of representations submitted by the 2nd applicant dated Nil Dec. 1997 addressed to the 4th respondent.
2. A-2: A true copy of the order dated 22nd July 1999 in OA 453/99 for passed by this Hon'ble Tribunal.
3. A-3: Order bearing No.CP(CC)7013/TMA/99/Court case dated 7.4.2000 issued by the 3rd respondent to the 4th respondent.
4. A-4: Order bearing No.CS 2695/43/835 dated 3.5.2000 issued by the 4th respondent addressed to the applicants.

Respondents' Annexures:

1. R-4A: Copy of the order in O.A.No.1678/97 and O.A.No.27/98 of the Hon'ble C.A.T., Ernakulam Bench dated 13.1.1998.

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