

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 364 of 1995.

Friday this the 4th day of July 1997.

CORAM:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

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

1. A. Balakrishnan,
Superintendent, Special Cell,
Secretariat, Kavaratti.
2. A.K. Sankaran, Superintendent,
Directorate of Medical and
Health Services, Kavaratti.
3. K.V. Unni, Superintendent,
Directorate of Agriculture,
Kavaratti.
4. M. Chellappan, Superintendent,
Services Section, Secretariat,
Kavaratti.
5. K. Alikoya, Superintendent,
Port Office, Kavaratti.
6. K.K. Koyamma, Superintendent,
Directorate of Fisheries,
Kavaratti.
7. P.R. Sreedharan, Superintendent,
Directorate of Education,
Kavaratti.
8. N.P. Kunhikoya, Accountant,
Directorate of Industries,
Kavaratti.
9. U. Abdurehiman,
Sub Treasury Officer, Agatti.
10. K. Kunhibi, Accountant,
Govt. High School, Kavaratti.
11. U.P. Ahammed, Accountant,
(On deputation to Khadi Board,
Kavaratti.)
12. K. Syedmohammed, Accountant,
Office of the Sub Divisional
Officer, Kavaratti.
13. K.N. Gopalakrishnan,
Secretariat Assistant,
Superintendent, Lakshadweep Office,
Cochin-3.

.. Applicants

(By Advocate Shri M.R. Rajendran Nair)

Vs.

1. Union of India represented by Secretary to Government, Ministry of Finance, New Delhi.
2. Union of India, represented by Secretary to Government, Ministry of Home Affairs, New Delhi.
3. The Administrator, Union Territory of Lakshadweep, Kavaratti. .. Respondents
(By Advocate Shri S. Radhakrishnan, ACGSC)

The application having been heard on 4th July 1997, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

The applicants 1 to 7 and 13 are Superintendents and applicants 8 to 12 are Accountants/Head Clerks in the Lakshadweep Administration. They submit that the Central Fourth Pay Commission in paragraph 11.33, of their report Part I recommended uniformity in the scales of pay below the level of Rs. 650-1200 and in the designations of Supervisory level posts in offices outside the Central Secretariat and stated that Government may review the position keeping in view the present levels of duties and responsibilities of the posts in the Supervisory level and other relevant factors. The recommendation was discussed at the meeting of the National Council of the Joint Consultative Machinery on 31.1.91 and it was decided to set up a Committee to examine the issue. The grievance of the applicants is that no decision has emerged so far. They submitted Annexure A-6 representation to the 3rd respondent on 27.8.93. Finding no response to Annexure A-6 applicants approached this Tribunal in O.A. 908/94 and the Tribunal directed a consideration of A-6 representation within four months of 13.7.94. The impugned order A-9 has been passed in pursuance of the directions of the Tribunal. Applicants pray that A-9 be

quashed and for a declaration that they are entitled to the scale of pay of Rs. 1300/- 2300 and Rs. 1640-2900, with effect from 1.1.86 or from the date from which the applicants are working in those posts. Applicants also pray that they are entitled to the scale of pay of Rs.2000 - 3200/-.

2. Respondents have submitted that the matter is still under consideration and that a decision has not been arrived at. Meanwhile the Ministry had informed that the scales of pay are in accordance with the duties and responsibilities attached to the posts at each supervisory level.

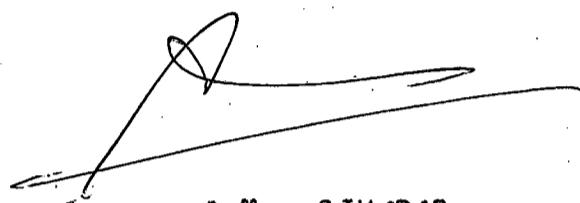
3. We find that though the Tribunal in its A-8 order directed that the respondents should pass appropriate orders on A-6 representation, the impugned order is only in the nature of an interim order since it states that the matter is still under the consideration of the Ministry of Home Affairs/Ministry of Finance, Government of India and that a decision would be taken on receipt of the response of the staff side of the Joint Consultative Machinery. This was the position on 22.11.94. On 12.10.95 nearly a year later when the reply statement was filed the position appears to have remained the same. The Annexure A-9 order cannot be said to have complied with the directions of the Tribunal in O.A. 908/94 and respondents have to pass a final order after taking an appropriate decision.

4. Learned counsel for respondents submits that the Central Fifth Pay Commission's recommendation is under consideration and a time of six months may be granted for taking a final decision on the issues raised in Annexure A-6. Learned counsel for applicants submitted that he has no objection to such a course of action.

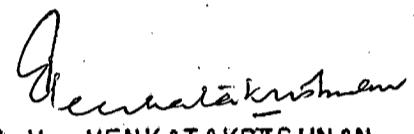
5. Under these circumstances, we direct the second respondent to take a final decision on Annexure A-6 representation and the recommendation of the 3rd respondent on A-6 (F.No. 1/30/88-Services (CC)) within six months.

6. The application is disposed of with the aforesaid directions. No costs.

Friday this the 4th July 1997.



A.M. SIVADAS
JUDICIAL MEMBER



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

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