

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 368 of 1993

DATE OF DECISION 23.3.1993

K.M.Vijayan and 37 others Applicant (s)

Mr.P.K.Muhammed Advocate for the Applicant (s)

Versus

The Flag Officer Commanding in-Chief, Southern Naval Command and another Respondent (s)

Mr.VN Ramesan rep.Mr.George Poonthottam, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. S.P.Mukerji, Vice Chairman  
and

The Hon'ble Mr. N.Dharmadan, Judicial Member

1. Whether Reporters of local\* papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT

(Hon'ble Mr.N.Dharmadan)

M.P.419/93 has been filed by the applicants seeking permission to prosecute the matter jointly stating that the grievances of the applicants are identical.

We have heard the M.P. and allowed.

2. The applicants are Mechanics working in the Naval Aircraft Yard, Cochin. They are aggrieved by the denial of the first respondent to give parity of pay and other service benefits which is enjoyed by similarly situated Mechanics in the Civil Aviation and Agriculture Aviation. The applicants were agitating

this matter from 1988 onwards. Annexure B(2) is the representation submitted by the applicants. Annexure B(1) is the covering letter of the General Secretary of the Association in which the applicants are members. It is seen from Annexure-D that the claim of the applicants were once considered by the Anomalies Committee and they have referred to the Department which made the following observations:

"In view of the above position it has been concluded that there is no case for revision of pay scales of Naval Aviation Technicians and supervisory staff by comparison with their counter-parts in the Civil Aviation Department and Agricultural Aviation Department. It is therefore, felt that no purpose would be served by making a joint visit to Naval Aircraft Yard Cochin. However, if the Staff Side still desires a visit to the Naval Aircraft Yard, it is requested that a detailed statement of case comparing the cadre structure method of recruitment, qualifications, duties and responsibilities of the staff in the Naval Aviation Wing and the Civil Aviation Department may be furnished for consideration."

3. The applicants have stated that from a comparative study of the statutory qualifications, experience, existing pay scale, duties and responsibilities of different posts with similar post's in similar Aviation, the applicants are entitled to better pay. They have also given further details giving examples to establish their case that they are denied higher salary and other benefits enjoyed by similarly situated persons in other Wings. Since the Anomalies Committee

and  
~~xxxx~~ referred to the Department/ it has been observed by the department that Staff side shall make a visit to the Naval Aircraft Yard for furnishing detailed statements for comparing the cadre structure method of recruitment, qualifications, duties and responsibilities so as to enable them to reconsider the matter, it would be proper to consider the case of the applicants afresh by the competent authority.

4. In the above light the learned counsel for the applicants submitted that the applicants may be given an opportunity to submit a detailed representation before the second respondent along with all details referred to in para 3 of ~~xxx~~ Annexure-D, so that the Government will re-examine the question and take a decision in accordance with law.

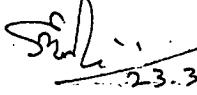
5. The learned counsel for the respondents has no objection in accepting this suggestion and disposing the application in the manner suggested by the learned counsel for the applicants.

6. Having heard the learned counsel on either side, we are of the view that this application can be disposed of with the above directions, at the admission stage itself. Accordingly, we admit this application and dispose of the same directing the applicants to file a joint representation with all supporting materials including the detailed statement as called for in Annexure-D to enable the second respondent to consider the grievances

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of the applicants and dispose of the same in accordance with law. This shall be done by the applicants within a period of four weeks from today. If such a representation is filed, the second respondent shall consider and dispose of the representation in the manner indicated above, within a period of three months from the date of receipt of the representation. There is no order as to costs.

  
(N. Dharmadhan) 23.3.93  
Judicial Member

  
S.P. Mukerji  
23.3.93  
(S.P. Mukerji)  
Vice Chairman

23.3.93

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