

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No.  
~~L. A. No.~~

391

1991

DATE OF DECISION 23.7.92

P.V. Hariharan & O.V. Soman Applicant (s)

Mr. C. S. Ramanathan Advocate for the Applicant (s)

Versus

Union of India represented by  
Secretary, Ministry of Agriculture,  
New Delhi and another Respondent (s)

Mr. C. Kochunni Nair, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P.S. Habeeb Mohamed, Administrative Member

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

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

Mr. N. Dharmadan, Judicial Member

Applicants are aggrieved by Annexure A-7 memo issued by the Accounts Officer disposing of their representations at Annexure-A4(a) and A 4(b) requesting for fixing their pay under item 3 of the Government of India's orders under Rule 6 of the CCS(CC&A) Rules, 1965 correctly giving the benefits of pay fixation.

2. According to the applicants, they were absorbed as Tool Room Assistants in the office of the Second respondent. This category comes under 'skilled' group and as per CCS(CC&A) Rules, this category is treated <sup>as</sup> group-C, ~~xxx~~ this is supported by Annexure A-8 list of name of posts in the Integrated Fisheries Department. Item 58 is shown as a group-C post having the original scale of Rs. 210-290 (Rs. 800-1150 in the revised scale).

3. The respondents have filed a reply answering statements in the application which contains an omission while extracting provisions in the notification under Rule 6 of the CCS (CC&A) Rules. The word "over" before Rs. 1150 in clause (III) was omitted. This omission resulted in not understanding the case of the applicants correctly by the respondents.

4. At the time when the case was argued before us, we have gone through the correct provisions in this notification under Rule 6 of CCS (CC&A) Rules which classifies various posts from Group-A to Group-D. With regard to group-C the classification is as follows:

"A Central Civil post carrying a pay or a scale of pay with a maximum of over Rs. 1150 but less than Rs. 2900."

A scale over Rs. 1150/- is to be classified and included in Group-C category. This view is further strengthened from a reading of Class-IV which is coming under group-D. It reads as follows:

"A Central Civil post carrying a pay or a scale of pay the maximum of which is Rs. 1150 or less."

According to us, clauses (III) and IV) indicate that a scale which carries a pay of maximum of over Rs. 1150 should be classified as Group-C. The respondents are not in a position to dispute this statement on the basis of any other notification or orders. No other orders or regulations contrary to the said provision is brought to our notice. Hence, we are prepared to follow the description of posts contained in the notification under Rule 6 of CCS (CC&A) Rules dealing with classification of posts.

5. In the light of the classification of posts shown above, we are satisfied that applicant's pay has not been correctly fixed in group-C and they are entitled to correct fixation of pay in the revised pay scale classifying the applicant's post as group-C in the light of Rule 6 of the CCS (CC&A) Rules.

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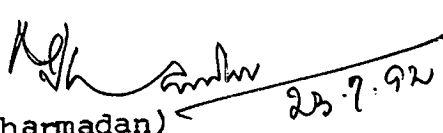
6. The applicants also brought to our notice Annexure A-10 standing order dealing with various posts and duties thereof in the Integrated Fisheries Project. The scale of pay of Engine Room Assistant and that of Tool Room Assistant are given in it. The pay scale of Engine Room Assistant is Rs. 260-350. He is doing the same duties of a Tool Room Assistant. But the pay of Tool Room Assistant is fixed as Rs. 210-290. On the basis of this, the learned counsel for the applicant submitted that there are differences in the scale of persons who are discharging similar duties. Hence, there is discrimination. It is clear from Annex. Annexure-10 that there is an anomalous position in regard to the pay of applicants. However, it is submitted that applicants are admittedly working in group-C posts and they are entitled to fixation of pay under Rule 6 of the CCS(CC&A) Rules.

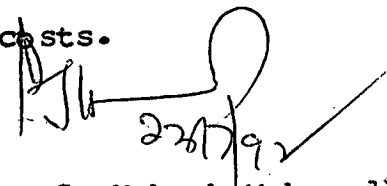
7. Having regard to the facts and circumstances of the case, we are satisfied that applicants are entitled to fixation of their pay in group-C in terms of the notification under the Rule 6 referred to above.

8. In this view of the matter, the impugned order Annexure A-7 which was issued by the Accounts Officer without advertting to the correct provision dealing with fixation of pay is unsustainable and liable to be quashed. Accordingly, we quash the same and direct the first respondent to fix applicant's pay in group-C post correctly in terms of the notifications and instructions issued by the Govt. in this behalf under CCS(CC&A) Rules. This shall be done as expeditiously as possible, at any rate without any xxxxxxxx delay.

9. The application is allowed.

10. There will be no order as to costs.

  
(N. Dharmadan)  
Judicial Member

  
(P. S. Habeeb Mohamed)  
Administrative Member

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.391/91

Wednesday, this the 2nd day of July, 1997.

C O R A M

HON'BLE SHRI AV HARIDASAN, VICE CHAIRMAN  
HON'BLE SHRI PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

....

1. PV Hariharan,  
Tool Room Assistant,  
Integrated Fisheries Project,  
Kochi--682 016.
2. OV Soman,  
Tool Room Assistant,  
Integrated Fisheries Project,  
Kochi--682 016.

....Applicants

vs

1. Union of India represented by  
the Secretary, Ministry of Agriculture,  
Krishi Bhavan, New Delhi.
2. Director,  
Integrated Fisheries Project,  
PB No.1801, Kochi--682 016.

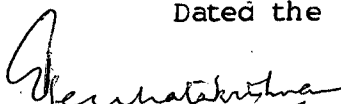
...Respondents

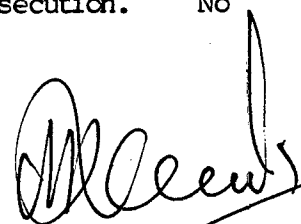
O R D E R

HON'BLE SHRI AV HARIDASAN, VICE CHAIRMAN

None appears for the applicants. None appeared on the earlier two occasions also. On 13.6.97, the case was adjourned with a view to give a last opportunity to the applicants. Since neither the applicants nor their counsel has turned up even today, it appears that the applicants are not interested in prosecuting the matter further. Hence, the application is dismissed for default and non-prosecution. No costs.

Dated the 2nd July, 1997.

  
PV VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
AV HARIDASAN  
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 391 of 1991.

Thursday this the 23rd October, 1997.

CORAM:

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

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

1. P.V. Hariharan,  
Tool Room Assistant,  
Integrated Fisheries Project,  
Kochi-682 016.

2. O.V. Soman,  
Tool Room Assistant,  
Integrated Fisheries Project,  
Kochi-682 016.

.. Applicants

(By Advocate Shri T.C. Govindaswamy )

Vs.

1. Union of India represented by the  
Secretary, Ministry of Agriculture,  
Krishi Bhavan, New Delhi.

2., Director, Integrated Fisheries  
Project, P.B. No.1801,  
Kochi-682 016.

.. Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

The application having been heard on 23rd October, 1997,  
the Tribunal on the same day delivered the following:

O R D E R

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

This Original Application filed in the year 1991 by two Tool Room Assistants in the Integrated Fisheries Project, Kochi, seeking to quash the impugned order A-7 rejecting their claim for a higher pay scale and for a declaration that the post of Tool Room Assistants which is a Group 'C' post should be given the pay scale of Rs.260-350 (Pre-revised)/Rs.950-1500 (as revised) and for consequential directions to respondents, was initially disposed of by a Division Bench by an order dated 23.7.92 allowing the application quashing the impugned order and

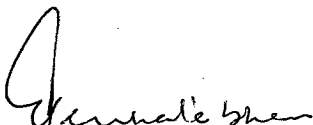
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directing the respondents to fix the applicants' pay in group 'C' post correctly in terms of the notification and instructions issued by the Government in that behalf under CCS(CCA) Rules. This order of the Tribunal was challenged before the Hon'ble Supreme Court in Civil Appeal No.7127 of 1993. The Hon'ble Supreme Court has remanded the case for disposal by the Bench in the light of the observations made in the order.

2. When the application came up today for fresh disposal the learned counsel on either side stated that it would be appropriate if the applicants make a representation in regard to their grievances about pay scale, to the first respondent, and the Tribunal gives a direction to first respondent to consider the representation and to give a speaking order to the applicants within a stipulated time. In view of the submission made by the learned counsel on either side we dispose of this application with a direction to the applicants to make a detailed representation to first respondent projecting their grievances in regard to the pay scale within a period of three weeks from today and with a direction to the first respondent that if such a representation is made by the applicants within the said period the same shall be considered and disposed of by the first respondent communicating a speaking order within a period of four months from the date of receipt of the representation.

3. The application is disposed of as aforesaid. No costs.

Dated the 23rd October, 1997.

  
P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN