

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

O.A.No.725/2001.

Dated this Thursday the 27th Day of June, 2002.

Hon'ble Shri Justice Birendra Dikshit, Vice Chairman
Hon'ble Shri M.P. Singh, Member (Administrative).

1. Shri S.K. Neelam, Cook (CK/68),
National Defence Academy,
Catering Section, NDA Khadakwasla,
Pune - 23.
2. CK/64 S.R. Kamble,
3. CK/63 I.S. Bhosale,
4. CK/19 S.L. Salvi,
5. CK/37 T.S. Lohokare,
6. CK/72 H.B. Badekar,
7. CK/74 O. Bhosale,
8. CK/44 U.D. Supe,
9. CK/30 R.K. Kutty,
10. CK/35 K.S. Vairal,
11. CK/43 S. Singh,
12. CK/67 R. Chedilal,
13. CK/69 C.X. Kelkar,
14. CK/27 V. Alwar,
15. CK/33 SL Nanora,
16. CK/71 PR Mali,
17. CK/73 DK Pyarachand,
18. CK/40 DN Upadhyay,
19. CK/41 Gopal Singh,
20. CK/45 PB Sathe,
21. CK/46 HS Negi,
22. CK/47 Ram Murthy,
23. CK/49 Hari Singh,
24. CK/50 RD Mate,
25. CK/51 SB More,
26. CK/52 PZ Shirsat,
27. CK/53 K Vijayan,
28. CK/54 M Fernandes,
29. CK/55 CB Pardeshi,
30. CK/57 GH Navaskar,
31. CK/58 Shaikh Moula,
32. CK/59 AK Ramjilal,
33. CK/60 A Xavier,
34. CK/75 RC Aherwar,
35. CK/76 BS Pawar,
36. CK/77 DB Yadav,
37. CK/78 AS Salve,
38. CK/79 UA Dhawade,
39. CK/80 EB Kadam,
40. CK/82 YB Urit,
41. CK/84 SD Joshi,
42. CK/85 LK Sakhare,
43. CK/86 KS Naidu,
44. CK/87 Premlal,

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45. CK/88 MT Gaikwad,
46. CK/89 HS Rawat,
47. CK/90 Yeshpal,
48. CK/91 P. Karke,
49. CK/92 Diwan Singh,
50. CK/94 PP Kotwal,
51. CK/95 G Ratnam,
52. CK/96 MK Sutar,
53. CK/97 RS Ravi,
54. CK/98 AV Wanjale,
55. CK/99 B R Sharma,
56. CK/100 B C Das,
57. CK/101 Munnalal,
58. CK/102 S. Bendre,
59. CK/103 SL Kalapure,
60. CK/104 Babu Ram,
61. CK/106 K. Vedvial,
62. CK/107 Bhogiram,
National Defence Academy,
Catering Section,
NDA, Khadakwasla,
Pune - 23.

..Applicants..

(By Advocate Shri K.S. Kallapura)

Versus

1. Union of India, through
The Secretary,
Ministry of Defence,
South Block,
New Delhi - 110 011.
2. Chief of the Army Staff,
Army Headquarters,
New Delhi - 110 011.
3. Commandant,
National Defence Academy,
PO Khadakwasla,
Pune - 411 023.
4. Adjutant General,
Adjutant General's Branch,
MT-7, Army Headquarters,
New Delhi - 110 011.

..Respondents..

(By Advocate Shri R.R. Shetty).

Order (Oral)

Mr.M.P. Singh, Member (A).

We have heard learned counsel for both the rival
contesting parties.



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2. The applicants who are 62 in number and working as Cooks in National Defence Academy, Khadakwasla, Pune, have filed this O.A. under Section 19 of the Administrative Tribunal Act, 1985. They have sought for directions to respondents to grant revised pay scale of Rs.4500-125-7000 with effect from 9.8.1999 at par with Armament Research & Development Establishment, or alternatively, they may be granted the pay scale of Rs.3050-75-3960-~~80~~-4590 with effect from 1.1.1996 with consequential benefits.

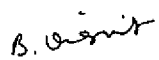
3. The brief facts of the case are that the applicants were earlier working in the pay scale of Rs.775-1150. The cooks working in Army Messes/in ASC Infantry Ordnance / Signals etc. were placed in 2 different scales i.e. one in the pay scale of Rs.775-1025 (S-2) and other at Rs.800-1150 (S-3). The 5th Pay Commission has recommended the revised pay scale for both these old scales as Rs.3050-75-3950-80-4590 (S-5). However, the Cooks working in the National Defence Academy, Khadakwasla, Pune ^{are} having only one pay scale of Rs.775-1150 and no specific order has been issued with regard to grant of revised pay scale for them. The Controller of Defence Accounts, Pune has raised an objection stating that they cannot release the salary in that scale to these Cooks. After the objection

has been raised by the Audit party of the CDA, the National Defence Academy has taken up the matter with the Army Headquarters vide their letter dated 27.10.2001. Till now no clarification has been received by the National Defence Academy from the Army Headquarters i.e. Directorate General of Military Training, New Delhi.

4. In the circumstances, we direct the respondents to give requisite clarification to the National Defence Academy within a period of 4 months from the date of receipt of a copy of this order.

5. The O.A. is disposed of in the aforesaid terms.
No costs.


(M.P. Singh)
Member (A)


(Birendra Dikshit)
Vice Chairman.

H.

dt. 27/6/02
order/Judgement despatched
to Applicant/Respondent(s)
on 10/7/02
