

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

Original Application No.856/98
Date of Decision: 7.1.2003

CORAM: HON'BLE SHRI JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN
HON'BLE SMT. SHANTA SHAstry, MEMBER (A)

1. Shri M.S. Rajan,
working as Cadet Cook and
residing at 2876, Type -A,
Kane Nagar, Guru Teg Bahadur
Nagar, Mumbai 400 022.
2. Shri Nathu Gopal
working as Second Cook and
residing at 3208, Type -A,
S.M.Plot, Guru Teg Bahadur
Nagar, Mumbai 400 022.
3. Shri S.H. Yatam
working as Second Cook and
residing at 3505, Type -A,
S.M. Plot, Guru Teg Bahadur
Nagar, Mumbai 400 022.
4. Shri K. Fernandes
working as Second Cook and
residing at 4466, Type -A,
S.M. Plot, Guru Teg Bahadur
Nagar, Mumbai 400 022.
5. Shri J.B. Posirkar,
working as Cook and residing at
2854, Type -A, Kane Nagar,
Guru Teg Bahadur Nagar,
Mumbai 400 022.
6. Shri D.P. Farias
Working as Cook and residing
at 4466, TypeA, S.M.Plot,
Guru Teg Bahadur Nagar,
Mumbai 400 022.
7. Shri Gopal Moily,
working as Bhandari and
residing at 3004, Type -A,
S.M. Plot, Guru Teg Bahadur
Nagar, Mumbai 400 022.
8. Shri V.Y.Kadam
Working as Cook and residing
at 22/215, Type-1, Ekta
Vihar, Nerul, Navi Mumbai.
9. I.M. Pedekar,
working as Cook and residing at
5/44, Type -1, Ekta Vihar,
Nerul, Navi Mumbai.
10. Shri Bhaskar Shetty,
working as Bhandari and
residing at 7/64, Type -1,
Ekta Vihar, Nerul, Navi Mumbai.

11. Shri B.R.Kadam,
working as Bhandari and
residing at 7/61, Type -1,
Ekta Vihar, Nerul, Navi Mumbai.
All the Applicants Working at
T.S.Chankya, Karave, New Mumbai. Applicants
(Applicants by Shri G.K. Masand, Advocate)

vs.

1. Union of India
through the Secretary
in the Ministry of Surface Transport
South Block, New Delhi.

2. Director General of Shipping,
Jahaz Bhavan, Walchand Hirachand
Marg, Mumbai 400 038.

3. Captain Superintendent,
T.S. Chanakya, Karave,
Navi Mumbai 400 706.

.... Respondents

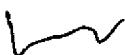
(Shri R.R.Shetty, Advocate)

O R D E R (ORAL)

[Per: Justice D.N. Chowdhury, VC]:

This application under section 19 of the Administrative Tribunals Act 1985 seeking for a direction for upgradation of the applicants pay structure. The applicants are 11 in number have joined together for a common cause for upgradation of their pay scale. The applicants are holding the post of Cook under respondent No.3 at T.S. Chanakya. Applicant No.7, 10 and 11 are designated as Bhandari. According to the applicants they are doing identical work and drawing identical pay scale like cook. Their grievance is that their pay scale is inferior as compared to their counterparts in various other offices of Central Govt. mentioned in the application.

2. The respondents contested the claim of the applicants and stated that the case of this applicant was duly considered by the Vth Pay Commission and the Vth Pay Commission revised the pay scale as per the recommendations and the Tribunal has no jurisdiction in the matter. Shri R.R.Shetty, learned counsel for



the respondents referred to reply submitted in the Misc. Petition wherein it was contended that the applicants are only regular employees of erstwhile Training Ship Rajendra now replaced by the "Shore Based Academy T.S. Chanakya" and their duties are not identical to various categories of Cooks in other Departments.

3. We have heard the learned counsel for the parties at length. Admittedly, the Respondent No.3 who is the Head of Department submitted a proposal for revising the staffing pattern in respect of T.S. Chanakya with a communication dated 11.11.1997. The Head of Department in his communication recommended for upgradation of existing post and in the same recommendation the officer also recommended upgradation of the Pay Scale by communication dated 11.11.1997. The applicant referred to para 4 of the application. The respondents in their reply at para 7 however, mentioned that the question of revision of Pay Scale was a policy matter and the Tribunal has no jurisdiction and further stated that the proposal of the authority for a new staffing pattern was under active consideration of the Deptt./ Ministry of Surface Transport which would consider the matter.

4. On consideration of all the aspects it seems it is seemingly under the active consideration of the Department including the proposal of new staffing pattern. Since the department is considering the matter, we are not inclined to issue any direction at this stage. We feel ends of justice would be met, if a direction is issued to the Respondents to complete the exercise as referred to in para 7 of the Written Statement and take into account the grievance of the applicants in the light of the recommendation of the Respondent No.3 including

steps taken by the respondents for revision of pay as expeditiously as possible preferably within a period of 6 months from the date of receipt of a copy of this order and pass a reasoned order and communicate the same to the applicants. The application thus stands disposed. No costs.

Shanta Shastry

(Smt. Shanta Shastry)
Member(A)
sj*

D.N. Chowdhury
(D.N. Chowdhury)
Vice Chairman