

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO.646/98

Date of Decision: 17.06.2002

I.N.C.O.A. through G.S. & Ors. Applicant(s)

Shri A.I. Bhatkar. Advocate for applicants

Versus

Union of India & others. Respondents

Shri V.S. Masurkar. Advocate for Respondents

CORAM: HON'BLE SMT. SHANTA SHASTRY. MEMBER (A)
HON'BLE SHRI SHANKER RAJU. MEMBER (J)

- (1) To be referred to the Reporter or not? *yes*
- (2) Whether it needs to be circulated to other
Benches of the Tribunal?
- (3) Library ☒

Shanta S
(SMT. SHANTA SHASTRY)
MEMBER (A)

Gajan

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: MUMBAI

ORIGINAL APPLICATION NO. 646/1998

THIS THE 17TH DAY OF JUNE, 2002

CORAM: HON'BLE SMT. SHANTA SHASTRY. .. MEMBER (A)
HON'BLE SHRI SHANKER RAJU. .. MEMBER (J)

1. Indian Navy Civilian Officers' Association (Recognised by Govt. of India) through its General Secretary Mr. B.B. Rao working as Manufacturing Engineer (CTA I) in Naval Dockyard, Mumbai.
2. V.D. Dhyani, working as CTA II, in Naval Dockyard, Mumbai.
3. M.P. Venugopal, working as Process Engineer (CTA II) in Naval Dockyard, Mumbai.
4. Z. George, working as Assistant Planner (CTA II) in Naval Dockyard, Mumbai.
5. C. Balakrishnan working as CTA II in Naval Dockyard, Mumbai
6. R. Srinivasan, working as CTA II in Naval Dockyard, Mumbai.
7. M.K. Connooni, working as CTA II, in Naval Dockyard, Mumbai.
8. S.C. Scaria, working as CTA II, in Naval Dockyard, Mumbai.
9. R.J. Kamble, working as CTA II in Naval dockyard, Mumbai.
10. V. Kethu, working as Asstt. Planner (CTA II) in Naval Dockyard Mumbai.
11. S.D. Gharat, working as Asstt. Planner (CTA II) in Naval Dockyard, Mumbai. .. Applicants

By Advocate Shri A.I. Bhatkar.

Versus

1. Union of India, through the Secretary, Ministry of Defence, Govt. of India, DHQ PO, New delhi-110 011.

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2. The Chief of the Naval Staff
Naval Headquarters,
DHQ New Delhi-110 011.
3. The Flag Officer Commanding
in-Chief, Headquarters,
Western Naval Command,
Shahid Bhagat Singh Road,
Mumbai-400 001.
4. The Admiral Superintendent
Naval Dockyard, Lion Gate,
Shahid Bhagat Singh road,
Mumbai-400 023.
5. The Admiral Superintendent,
Naval Dockyard,
Visakhapatnam-530 014. Respondents

By Advocate Shri V.S. Masurkar.

O R D E R (ORAL)
Hon'ble Smt. Shanta Shastry. member (A)

The applicants are aggrieved that the respondents have not removed the anomaly in the pay scale of Senior Technical Assistant Grade II and the Senior Foreman wherein the scale of pay of the Civilian Technical Assistant II i.e. Group-B officer is Rs.2000-3500 whereas the scale of Senior Foreman which is the feeder cadre for the post of Civilian Technical Assistant II is Rs.2375-3500. According to them, despite a representation this anomaly had not been removed. Even after the introduction of the recommendations of the 5th Pay Commission, the anomaly persisted. The applicants have therefore sought a direction to the respondents to grant appropriate higher scale to CTA II in preference to Senior Foreman which is the feeder cadre for promotion to CTA II. Further the applicants want the post of Senior Foreman Naval

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Dockyard, Mumbai to be as a Group-B gazetted post in the scale of Rs.7450-11500 and to make them eligible for further promotion to the post of CTA I, Class-A post in the scale of Rs.8000-13500 on the line it has been done in the Naval Armaments Depot under the same respondents and thereafter to promote the Senior Foreman to the post of CTA-I from the date the anomaly in the pay scale has arisen. The applicants also want all consequential benefits arising out of the said implementation.

2. There was an anomaly in the pay scales of Senior Foreman and CTA II. The pay scale of Senior Foreman was higher than that of the CTA II which is the promotion post for the Senior Foreman. Prior to the recommendations of the 5th Pay Commission, the pay scale of CTA-II was Rs.2000-3500 and that of the Senior Foreman was Rs.2375-3500. The 5th Pay Commission recommended the scale of Rs.6500-10500 for the CTA II. Whereas for Foreman the scale of Rs. 7450-11500 was recommended. Thereafter, the Government have modified the pay scale as Rs.7500-12000 for CTA II, and Rs.7450-11500 for Senior Foreman respectively. The anomaly has thus now been removed. Secondly, the request of the applicants i.e. for declaring the Senior Foreman as Group-B gazetted post has already been considered and they have been so declared vide letter dated 23rd February, 1999 relating to reclassification of posts. Thus, two of the prayers of the applicants have already been met. The other prayers which remain to be

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considered are to make the Senior Foreman the feeder grade for promotion to the post of CTA-I. The anomaly in the pay scales of CTA II and Senior Foreman has been removed only with effect from 01.01.1996 and not from 01.01.1986 as an anomaly had been in existence since then.

3. As far as giving retrospective effect to the removal of the anomaly is concerned, we have to say that after the recommendation of the 4th Pay Commission, the applicants have made several representations. Thereafter, the matter had gone before the 5th Pay Commission. It is not that the 5th pay Commission was not aware of the anomaly, yet the 5th Pay Commission continued the anomalous situation and the Government thereafter has taken a conscious decision to remove the anomaly and therefore, we cannot consider removing the anomaly with retrospective effect.

4. As far as declaring the post of Senior Foreman which is now a Group-B post as a feeder grade for the post of CTA-I is concerned, it does not come within the domain of the Tribunal to give any positive direction in this matter. We therefore, feel that the ends of justice would be met if the applicants are directed to give a representation to the respondents in this matter and the respondents to consider the same. We accordingly do so, the applicants shall give a representation in regard to treating the post of Senior

Foreman as feeder grade for post of CTA-I to the respondents within a period of one month from the date of receipt of a copy of this order and the respondents thereafter on receipt of the representation shall dispose of the same within a period of six months with a speaking order under intimation to the applicants. The OA is disposed of accordingly. In the facts and circumstances of the case, we do not order any costs.

S. Raju

(SHANKER RAJU)
MEMBER (J)

Shanta Shastri

(SMT. SHANTA SHASTRY)
MEMBER (A)

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