

(240)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 219/91.

Dt. of Decision : 25.3.1994.

C.S. Krishnamurthy

.. Applicant.

Vs

1. The Union of India rep. by
the Secretary,
Ministry of Defence,
New Delhi -
2. The Chief of Naval Staff,
Naval Headquarters (For DCP),
Sena Bhavan, New Delhi.
3. The Flag Officer Commanding
Eastern Naval Command
Naval Dockyard
Visakhapatnam.

.. Respondents.

Counsel for the Applicant : Mr. E.D. Nathan

Counsel for the Respondents : Mr. N. Bhaskara Rao, Addl. CGSC.

CORAM:

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (JUDL.)

THE HON'BLE SHRI H. RAJENDRA PRASAD : MEMBER (ADMN.)

D.A. 219/91

Dt. of Decision : 25.3.94

ORDER

Q As per Hon'ble Shri T.Chandrasekhara Reddy, Member(Judl.) X

This is an application filed under section 19 of the Administrative Tribunals Act to direct the respondents to fix the pay of the applicant w.e.f. 1.1.88 in the pay scale of Rs. 1400 - 2300 in terms of the recommendations dt. 7.7.90 of the Anomalies Committee with all consequential benefits and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. The applicant was appointed as originally as a Motor Transport Driver Gr.II in the Indian Navy in the Naval Dockyard at Visakhapatnam. The applicant was categorised as Gr. I Motor Transport Driver. The applicant was promoted as Motor Transport Supervisor w.e.f. 17.9.87. The applicant retired on 1.11.89 on attaining the superannuation age of 58.

3. The pay scales of MT Drivers in Indian Navy are as follows:-

Post/Grade	Pay scales under III pay commission i.e., pre-revised scale.	pay scale under IV pay commission i.e., revised scale.
MT Driver Gr. II	260-350	950-1400
MT Driver Gr. I	320-400	1150-1500
MT Supervisor	330-480	1200-1800
Head MT Supervisor	380-560	1320-2040

4. At the time the applicant retired as Motor Transport Supervisor he was drawing a basic pay of 1480/- in the pay scale of Rs. 1200-1800. On the basis of his pay his pension is fixed at Rs. 730/- w.e.f., 1.11.89. The respondents herein had fixed up 20% of the Motor Transport Drivers Grade I in the pay scale of Rs. 1200-1800 basing on the IVth Pay Commission recommendations. At the same time the MT Supervisors who are

superior in cadre, category and status, were continued to be retained in the scale of Rs. 1200-1800. So the MT Driver Gr.I were brought in the scale of Rs. 1200-1800 which was the pay scale of MT Driver also, by giving raise to an anomaly. When this anomaly was brought to the notice of Anomalies Committee, ^{the Committee} put forth its proposal dt. 7.7.90 to the 2nd respondent in the OA (The Chief of Naval Staff, Naval Headquarters (For DCP), Sena Bhavan, New Delhi) recommending a pay scale of Rs. 1400-2300 for MT Supervisor. But the first respondent (The Union of India) and second respondents have not taken any action with regard to the recommendation of the Anomalies Committee to give the pay scale of Rs. 1400-2300 for MT Supervisor. So the applicant had filed this OA for the relief as already indicated above.

5. Counter is filed by the respondents opposing this OA.

6. On 17.3.94 this OA was listed for final hearing Mr.E.D.Nathan counsel for the applicant who was present sought a short adjournment and standing counsel for the respondents Mr. NV.Ramana opposed the adjournment on 17.3.94. So we have, as a last chance, ordered the OA to be adjourned to 21.3.94, for final hearing. We made it clear that no further adjournment will be given in this case. This OA was listed for final hearing on 23.3.1994. None was present on behalf of the applicant on 23.3.94. There was no representation on behalf of the applicant. So this OA was listed for dismissal today (25.3.1994). Today in the cause list the OA is listed for dismissal. Even though the OA is listed for dismissal, nor is present on behalf of the applicant. There is no representation on behalf of the applicant. So after hearing Mr.NV.Ramana learned standing counsel for the respondents we proceed to dispose of this OA on merits.

T. R. M. P.

Copy to:-

1. The Secretary, Ministry of Defence, Union of India, New Delhi.
2. The Chief of Naval Staff, Naval Headquarters (For DCP), Sena Bhavan, New Delhi.
3. The Flag Officer Commanding Eastern Naval Command, Naval Dockyard, Visakhapatnam.
4. One copy to Sri. E.D. Nathan, advocate, 3-4-340/2, Barkatpura, Hyd-27.
5. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAI, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

38

7. The present OA is filed by the applicant purely on the recommendations of the Anomalies Committee to give the pay scale of Rs. 1400-2300 to MT Supervisor. The grievance of the applicant as already pointed out as 20% of the MT Drivers Gr.I are given the pay scale of Rs. 1200 - 1800 and that it has given rise to ~~the~~ the anomaly and so this anomaly has got to be rectified by giving appropriate pay scale to MT Supervisors. So it is the case of the applicant that this anomaly can be removed as per the recommendations of the Anomalies Committee which has recommended the pay scale of Rs..1400-2300 to MT. Supervisor. Of course the Anomalies Committee had recommended to give a pay scale of Rs.1400-2300 to MT Supervisor as per its proposal dt. 7.7.90. But such recommendation does not vest any legal right on the applicant. Unless the government accepts the said recommendation, and pass appropriate orders, the applicant does not get any vested right to demand the pay scale of Rs. 1400-2300. The competent authority had not placed the applicant by passing the appropriate order by giving him the pay scale of Rs. 1400-2300. So as the applicant does not have any legal right that could be enforced by this Tribunal, this OA is liable to be dismissed and so accordingly is dismissed. Parties shall bear their own costs. We make it clear when the Government takes a decision with regard to the Anomalies Committee report and if the applicant is aggrieved by the said decision, he will be at liberty to approach this Tribunal afresh in accordance with law

(H. RAJENDRA PRASAD)
MEMBER (ADMN.)

25 MAR 94

Dated : The 25th March 1994.
(Dictated in Open Court)

(T. CHANDRASEKHARA REDDY)
MEMBER (JUDL.)

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Pr. Reg. (J)

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O.A. 219/91

TYPED BY

COMPARED BY

CHECKED BY *857*

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (AD)

AND

THE HON'BLE MR. TCCHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

π-Rajendra pd.
THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

Dated: 25/3/1994

ORDER/JUDGMENT

~~M.A./R.A./C.A./No.~~

in

O.A.No.

219/91

T.A.No.

(w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

