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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 838/92.

Dt. of Decision : 31-10-95.

P.T. Kuttappan

.. Applicant.

vs

1. Govt. of India, Rep. by its Secretary, Defence, New Delhi.
2. Chief of Naval Staff, Naval Head Quarters, New Delhi.
3. Flag Officer, Commanding-in-Chief, Eastern Naval Command, Visakhapatnam.
4. Admiral Superintendent, Naval Dockyard, Visakhapatnam.
5. Area Accounts Officer, Controller of Defence Accounts (Navy), N.A.D.Kotha Road, Visakhapatnam.

.. Respondents.

Counsel for the Applicant : Mr. P.B. Vijaya Kumar
Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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JUDGMENT

The applicant herein joined the service in Naval Dockyard, Visakapatnam on 1st November, 1957. He was promoted as Motor Boat Driver on 16.11.1964, as Engine Driver Gr.II on 15.3.1976 and as Engine Driver Gr.I on 16.3.1981. He was further promoted as Senior Engine Driver on 16.7.1984 in the pay scale of Rs.425-700. On introduction of IV Pay Commission scales of pay, the grade of Senior Engine Driver which was earlier in the grade of Rs.425-700 was revised and replacement scale of Rs.1400-2300 was given. The ~~pay of~~ applicant who was drawing the pay of Rs.530/- in the earlier scale of pay of Rs.425-700 as Senior Engine Driver was fixed at Rs.1600/- with effect from 1.1.1986 in the revised pay scale of Rs.1400-2300.

2. The main grievance of the applicant herein is that he should be given the replacement ~~of~~ scale of Rs.1600-2660 as was given to Master I Class which was also earlier in the scale of Rs.425-640. As the Master I Class was having the scale of Rs.425-640 in the III Pay Commission pay scales, the same as that of Senior Engine Driver, fixing the pay of Senior Engine Driver in Rs.1400-2300 and the Master I Class in the scale of Rs.1600-2660 is arbitrary and the Senior Engine Driver should also ~~be~~ be given the pay scale of Rs.1600-2660.

3. The applicant represented his case in this connection to the respondents as can be seen from his representation dt. 18.3.1991 (Annexure-D, pg.12). The same was forwarded by the lower authorities in the Naval Dockyard, Visakapatnam recommending the pay scale of

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of Rs.1600-2660 on the analogy of the pay scale of Master-I Class which was revised from Rs.425-700 to Rs.1600-2660. It was also stated in the letter No.PES/3202/NI dated 22nd Feb., 1992 (Annexure-C - pg.10) addressed by R-4 to R-5 that as Engine Driver Gr.I which was a feeder post for promotion to the post of Senior Engine Driver (SED), and which was in the grade of Rs.380-560 in the pre-revised scale was also revised to Rs.1400-2300 as per SRO-13E dated 29.8.1986, fixing the pay scale of Sr.Engine Driver, which is promotional post for Engine Driver, in the grade of Rs.1400-2300 is an ██████████ anamoly and hence, it has to be revised to the higher grade of Rs.1600-2660.

4. Government of India, after going through the various points mentioned in the representation and the recommendations of Navy, have rejected the pay fixation of Sri Kuttappan as Senior Engine Driver in the pay scale of Rs.1600-2660.

5. This OA is filed for a direction to the respondents to fix the pay of the applicant in the scale of Rs.1600-2660 with effect from the date of revision and consequently order payment of the same with interest.

6. The submission of the respondents in this connection is that the revision of pay-scales is done by an Expert Body keeping in view the nature of duties and operational requirements. Though the respondents have suggested improvement in the pay-scale of Yard Personnel, 4th pay commission after careful consideration had recommended higher pay scales only to certain categories. In this

connection, they rely on para-10.95 of the report of the IV Pay Commission which had recommended higher pay scales only to some categories. It is further submitted by the respondents that the pay scale of Master Gr.I cannot be compared with that of the pay scale of Senior Engine Driver as the duties and responsibilities performed by the holder of these posts are different. Hence, equal pay for equal work does not arise in this case as the role, functions, duties and responsibilities of Master Gr.I and Senior Engine Driver are entirely different. To supplement this averment, the respondents have annexed the ^{list of} ~~and~~ duties and responsibilities of Senior Engine Driver and Master I Class to the counter affidavit.

7. Heard Sri P.B.Vijaya Kumar, learned counsel for the applicant and Sri N.R.Devaraj, learned Standing Counsel for the respondents.

8. It is an accepted principle that the revision of pay scales is ^{the} ~~an~~ done by ~~the~~ Expert Body by constituting Pay Commissions. The Tribunal or Court cannot sit on the judgment ~~on~~ the recommendations ~~and~~ of the Expert Body except in case where there is violation of any rules or discrimination etc. In the present case the Expert Body viz. IV Pay Commission had gone through the details of pay structure for the Naval Yardcraft Personnel. Though the respondents suggested improvement in the pay scales of Yardcraft personnel, IV Pay Commission chose to recommend higher pay scales only to certain categories which are indicated in para-10.95 of its Report ~~and last~~ extracted in page-4* of the counter affidavit. The IV Pay Commission did not recommend higher pay scale of

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Rs.1600-2660 for SED, whereas it has granted the said scale as for Master Class-I. In view of the specific recommendations given by the Naval authorities, it cannot be said that IV Pay Commission had not considered any aspect while fixing the pay scales. After taking into consideration the pros and cons of this issue, the IV Pay Commission had come to the conclusion that the scale of pay of Master Class-I is to be replaced in the pay scale of Rs.1600-2660 and Senior Engine Driver (SED) in the grade of Rs.1400-2300. The anomaly committee had also looked into the scale given to Sr.Engine Driver and inspite of the recommendations of the Naval authorities, had rejected the request for giving higher pay scale of Rs.1600-2660 to the Sr.Engine Driver (SED). Hence, the grievance of the applicant that the post of SED which he was holding at the time of his retirement should be in the grade of Rs.1600-2660 and not Rs.1400-2300 had been considered fully by the concerned authorities and rejected the same on the basis of merits.

9. Comparison of the posts of Master Class-I and Sr.Engine Driver to give same scales of pay was also not tenable on the basis of equal pay for equal work. The role, functions, duties and qualifications of the said two posts are entirely different. Job description of the said two posts enclosed shows that duties are not similar. The applicant did not chose to contradict the above by filing a rejoinder. Hence, it has to be presumed that the duty-list of Master Class-I is not comparable to that of SED and hence on this score also the prayer for higher scale does not merit consideration.

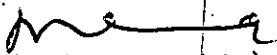
To

1. The Secretary, Defence,
Govt. of India, New Delhi.
2. The Chief of Naval Staff, Naval Head Quarters,
New Delhi.
3. The Flag Officer, Commanding-in-Chief,
Eastern Naval Command, Visakhapatnam.
4. The Admiral Superintendent, Naval Dockyard,
Visakhapatnam.
5. The Area Accounts Officer, Controller of
Defence Accounts (Navy) N.A.D.Kotha Road,
Visakhapatnam.
6. One copy to Mr. P.B.Vijayakumar, Advocate, CAT.Hyd.
7. One copy to Mr. N.R.Devraj, Sr.CGSC.CAT.Hyd.
8. One copy to Library, CAT.Hyd.
9. One spare copy.

pvm

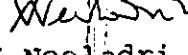
10. The last point for consideration is whether fixing of pay of Engine Driver Gr.I which was earlier in the grade of Rs.380-560 and Senior Engine Driver which was the promotional category for Engine Driver Gr.I which was earlier in the grade of Rs.425-700 as Rs.1400-2300 in the revised pay scale, is in order or not. The respondents in their counter have stated that the IV Pay Commission reduced the pay scales of Civilian Employees of Central Government from 153 to 36. This was done after due application of mind and very careful examination of the role, functions, duties and responsibilities attached to the posts. Hence, reduction of pay scales was necessitated combining the scale of Engine Driver Gr.I and Sr. Engine Driver. This cannot be considered as arbitrary as the promotional posts created earlier to give monetary benefits had been taken note of and because of that consideration only higher pay scales have been fixed in the IV Pay Commission while combining two scales. When there is need to reduce the number of pay scales, combining some scales becomes inevitable without reduction in the monetary benefits to the employees. This has been done in this case also by fixing higher scales thereby eliminating reduction in monetary benefits which would have otherwise accrued by having two scales.

11. In view of what is stated above, we do not see any merit in this OA and the OA is liable to be dismissed. Accordingly it is dismissed. No costs.

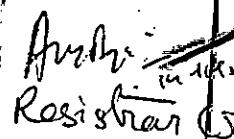

(R. Rangarajan)
Member (Admn.)

Dated 31 Oct., 1995.

Grh.


(V. Neeladri Rao)
Vice Chairman

Deputy
Registrar



TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

THE HON'BLE MR.R.RANGARAJAN :M(A)

DATED: 31-10-1995

ORDER/JUDGMENT

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

in
O.A.No. 838/92

T.A.No. (W.P.No.)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No Spare Copy

p.v.m.

