

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.532/95

Date of Order: 5.5.97

BETWEEN:

- | | |
|------------------------|------------------------|
| 1. M.K.Nair | 35. R.R.L.Rao |
| 2. A.Ramachandra Rao | 36. B.Dharma Raju |
| 3. K.P.Singh | 37. Y.Raja Rao |
| 4. M.D.Murthy | 38. U.Narasinga Rao |
| 5. A.S.A.Kanakachary | 39. R.Robert |
| 6. S.S.Bhushan Rao | 40. K.Janardhan Rao |
| 7. S.Chandramouli | 41. B.Narayana Rao |
| 8. S.I.Bijili | 42. M.Anjaneyulu |
| 9. K.S.Chalam | 43. K.S.S.Murthy |
| 10. K.B.Patel | 44. A.Appa Rao |
| 11. B.V.Suryanarayana | 45. M.J.Nair |
| 12. T.V.Ramanujiah | 46. V.V.Raghavaiah |
| 13. P.A.Joseph | 47. J.S.R.Swamy |
| 14. T.Varababu | 48. J.J.Robert |
| 15. D.V.Subba Raju | 49. S.Narayana Rao |
| 16. K.Nageshwar Rao | 50. P.Appa Rao |
| 17. N.S.Prakash Rao | 51. A.Rama Rao |
| 18. Ch.Venkateswar Rao | 52. C.V.Prasad |
| 19. R.Bheema Rao | 53. D.Janardhan Rao |
| 20. J.Rambabu | 54. G.S.N.Murthy |
| 21. I.Babji | 55. N.V.K.Nageswar Rao |
| 22. P.S.Prakasha Rao | 56. D.V.S.N.Sharma |
| 23. P.J.V.Prasada Raju | 57. V.L.N.Rao |
| 24. M.Nagaraju | 58. K.Ramaswamy |
| 25. Ch.K.Arjuna Rao | 59. M.Rama Rao |
| 26. M.S.Prakasha Rao | 60. M.B.L.A.William |
| 27. A.Satyanarayana | 61. P.Narsinga Rao |
| 28. D.Kameshwar Rao | 62. K.Ganesh Kumar |
| 29. Y.D.L.Trood | 63. B.C.A.Banerjee |
| 30. N.Madhava Rao | 64. V.Rama Rao |
| 31. M.Vijaya Kumar | 65. B.Juanes |
| 32. E.A.R.Kutty | 66. P.P.Vijayan |
| 33. G.Ranga Rao | 67. C.Traish |
| 34. V.S.R.Murthy | 68. K.V.V.S.Prasad |

.. Applicants.

AND

1. Union of India, rep. by its Secretary,
Ministry of Defence, New Delhi.
2. Chief of Naval Staff,
Naval Headquarters, New Delhi.

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3. Flag Officer Commanding-in-Chief,
Eastern Naval Command,
Visakhapatnam.

4. Admiral Superintendent,
Naval Dockyard, Visakhapatnam.

Respondents.

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Counsel for the Applicant

.. Mr. S. Ramakrishna Rao

Counsel for the Respondents

.. Mr. K. Bhaskara Rao

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CORAM:

HON'BLE SHRI B. RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B. S. JAI PARAMESHWAR : MEMBER (JUDL.)

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J U D G E M E N T

X Oral order as per Hon'ble Shri R. Rangarajan, Member (Admn.) X

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Heard Mr. S. Ramakrishna Rao, learned counsel for the applicant and Mr. K. Bhaskara Rao, learned standing counsel for the respondents.

2. There are 68 applicants in this OA. They are working as Senior Foremen in the Naval Dockyard, Visakhapatnam under Rs. 4. They are now in the scale of pay of Rs. 2375-3500. By memo No. CP(NG)/2802, dt. 17.10.90 (A-2) the posts carrying maximum pay of Rs. 2900/- and above but less than Rs. 4000/- is classified as Group-B posts. The list of such posts were also enclosed to that letter (A-2). Hence the applicants contend that they should be given Group-B status. By letter No. CP(NG)/2802/NHQ/118-RR/D(Appts), dt. 27.3.92 ^{it was} ~~has~~ recommended that the issue of granting Group-B status of bringing the senior Foremen in the scale of Rs. 2375-3500 may be taken up with the Naval Headquarters with a request to approach the Government ~~for~~ ~~classified Group-B also as Gazetted.~~

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3. This OA is filed praying for a direction to the respondents to grant them Group-B status as was done in the case of Chief Draughtsmen who are in the pay scale of Rs. 2000-3200 w.e.f. the date of Chief Draughtsmen were reclassified pending modification of recruitment rules in respect of Senior Foremen in the Naval Establishment without recovery of any overtime allowances drawn in the present Group-C post which benefits the applicants have already availed.

4. From the above relief 2 prayers are discernable. They are:

(i) The applicants herein should be granted the Group-B status.

(ii) The overtime they ^{had drawn} ~~were drawing~~ so far in Group-C should not be recovered from them.

5. The applicants submit that the Chief Draughtsmen post under R-3 though ^{only in} in the pay scale of Rs. 2000-3200 is given the status of Group-B. In the sister factories of Ordinance Services the cadre of 2375-3500 has been brought under Group-B status. In some of the other sister institutions also the grade of Rs. 2000-3200 and Rs. 2375-3500 have been given the Group-B status. Hence denying the applicants herein Group-B status when they are in the grade of Rs. 2375-3500 is not tenable. They fulfil all the conditions as laid down in the Naval Headquarters letter dtd. 17.10.90 (A-2). The applicants also submit that the prayer in this OA for granting Group-B status to the Senior Foremen in the Naval Dockyard in the grade of Rs. 2375-3500 have been directed to be given by the Bombay Bench of this Tribunal in OA. 574/87 (A-11). The learned counsel for the applicant further submits that the directions in Bombay Bench of this Tribunal has been complied with. In view of the above he submits the OA has to be allowed.

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6. A reply has been filed in this OA. In para-5 of the reply the respondents submit certain conditions laid down by DOP&T Notification which should be fulfilled before granting them the Group-B status. The applicants have not fulfilled some of the conditions laid down in the notification of DOP&T. Hence they cannot be given the status as prayed for in this OA. The learned counsel for the applicant submits that the conditions as laid down in the notification of department of Personnel and Training are not incorporated in the notification dt. 17.10.90 (A-2). Conditions which are not included in the notification dt. 17.10.90 cannot be insisted upon for granting them the Group-B status.

7. The respondents in their reply further stated that the 5th Pay Commission which has been constituted is considering the cases of restructuring of the pay scale and also granting suitable status to ^{various categories} ~~the skilled servants~~. Hence they submit that the applicants may avail the opportunity of representing ^{to} the 5th Pay Commission. ^{report} ~~the~~ 5th Pay Commission had already been submitted. Hence it will not be possible now for the applicants to approach the 5th Pay Commission. A decision has to be taken by the respondents themselves on the basis of the recommendations already submitted by the 5th Pay Commission and ^{keep} ~~also take~~ all the ~~other~~ relevant factors ^{for} of granting Group-B status in other cadres both under the Naval authorities and also in the Ordnance Factories. The respondents will consider the issue on the basis of the contentions made in this OA as well as the recommendations of the 5th Pay Commission and decide the issue accordingly expeditiously.

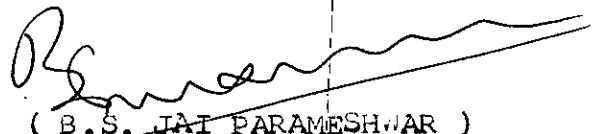
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8. In the result the following direction is given:-

R-2 should consider the case of the applicant in the light of the contentions made in this OA as well as the recommendations of the 5th Pay Commission for granting Group-B status ~~of the applicants herein~~ ^{to them} in accordance with the law and decide the issue expeditiously.

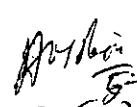
9. The OA is ordered accordingly. No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)
S.S.97


(R.RANGARAJAN :)
Member (Adm.)

Dated: 5th May, 1997
(Dictated in Open Court)

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5-682
D.R.(J)



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Copy to:

1. The Secretary, Min. of 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. One copy to Mr.S.Rama Krishna Rao, Advocate, CAT,Hyderabad.
6. One copy to Mr.K.Bhaskara Rao, Addl.COSEC,CAT,Hyderabad.
7. One copy to D.R(A),CAT,Hyderabad.
8. One duplicate copy.

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17/6/97

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: M
(J)

DATED: 6/5/97

ORDER/JUDGEMENT

M.A./R.A/C.A.NO.

in

D.A.NO. 532/95

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

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II Court.

