

**Central Administrative Tribunal
Ernakulam Bench**

OA/180/00328/2018

Wednesday, this the 28th day of November, 2018.

CORAM

Hon'ble Mr.Ashish Kalia, Judicial Member

M.K.Sasidharan
Foreman (Radio) (Retd.)
Southern Naval Command
Thrikarthika, Kuttapallil House
North Janatha Road, Palarivattom
Cochin-682 025.

Applicant

[Advocate: Mr.CSG Nair]

versus

1. Flag Officer Commanding in Chief
Southern Naval Command,
Cochin-682 004.
2. Union of India represented by
its Secretary, Ministry of Defence
South Block, New Delhi-110 001.

Respondents

(Advocate: Mr.Sinu G.Nath, ACGSC)

This OA having been heard on 28th November, 2018, the Tribunal delivered the following order on the same day:

ORDER

By filing this OA, the applicant has prayed for the following reliefs:

(i) To direct the respondents to grant the pay scale of Rs.5500-9000 w.e.f. 1.1.1996 in the cadre of Senior Chargeman and revise the pay accordingly with all consequential benefits including arrears of pay within a stipulated period.

(ii) To direct the respondents to revise the retirement benefits of the applicant based on the revision of pay scale as Senior Chargeman and grant all consequential benefits including pension, gratuity and leave encashment amount within a time frame.

2. The applicant retired as Foreman (Radio) from the Naval Ship Yard (NSRY) on 29.2.2008. He joined service on 25.1.1971 and retired after serving

the Navy as a civilian for about 37 years. In 1988, the applicant was working as Senior Chargeman in the pay scale of Rs.5000-8000 w.e.f. 1.1.1996. On the other hand, the pay scale of Senior Chargeman in the Naval Armament Supply Organization (NASO), another wing of the Southern Naval Command, was revised to Rs.5500-9000. When this anomaly of having two different pay scales for the same post in two different wings of the Navy was pointed out, the pay scale of Senior Chargeman was reduced to Rs.5000-8000 and made equal to that of the Senior Chargeman in NSRY. This reduction was challenged by the affected parties, and the reduction was quashed by this Tribunal. The Kerala High Court upheld the order of this Tribunal and directed the respondents to pass appropriate orders revising the pay of Senior Chargeman in NSRY to Rs.5500-9000. It is further submitted that necessary orders were passed and the petitioner who filed OP(CAT)No.271/2016 was granted the pay scale of Rs.5500-9000 w.e.f. 1.1.1996 with all consequential benefits. The applicant also made a representation to the first respondent for sanctioning him the same pay scale w.e.f. 1.1.1996. On disposal of the representation, the applicant has approached this Tribunal.

3. Notices were issued and the respondents filed a detailed reply statement. It is contended by the respondents that IHQ of MoD has now sought for the financial implication for extending the benefit of Annexure A2 judgment to other similarly placed persons (Annexure R7). In accordance with Annexure R7, HQ, SNC vide letter CS 2695/43/1769 dated 31st August 2018 had forwarded the financial implication for granting the benefit of the judgment to the petitioners as well as the similarly situated persons (Annexure R8). It is further submitted that the matter is under consideration of competent authority and orders on

implementation of the Hon'ble High Court are awaited for issuance of orders for extending the benefits of Annexure A2 judgment to the petitioners and similarly situated persons.

4. Heard Mr.C.S.G.Nair, learned counsel for the applicant and Mr.Sinu G.Nath, ACGSC for the respondents.

5. During the course of arguments, learned counsel for the applicant handed over a copy of the order dated 2nd November, 2018, issued by Chief Administrative Officer, Command Civilian Personnel for Flag Officer Commanding-in-Chief, which reads thus:

“It is intimated that the court order is to be implemented at the earliest. Accordingly, pay fixation in respect of all petitioners is to be completed and audited due drawn statements are to be forwarded to this Headquarters by 12 Nov 18 for further necessary action.”

6. Learned counsel for the applicant submitted that the applicant is also to be granted the same pay scale. Learned counsel for the respondents has submitted that this OA can be disposed of with similar direction.

7. In view of the above submission, this Tribunal feels that that the applicant is also entitled to the pay scale of Rs.5500-9000 w.e.f. 1.1.1996 notionally as given to the post of Senior Chargeman. The OA is disposed of with direction to the respondents to grant the pay scale of Rs.5500-9000 to the applicant with effect from 1.1.1996 with all consequential benefits. Actual payments shall be made to the applicant from 3 years prior to the filing of this OA. This order shall be implemented within a period of three months from the date of receipt of the order. No order as to costs.

(Ashish Kalia)
Judicial Member

Annexure filed by the applicant:

- Annexe A1: Copy of the PPO No.C/CORR/Navy/11098/2015 issued on 20.8.2015 (Pension ID No.41020072562401 F)
- Annexure A2: Copy of the judgment in OP (CAT) No.271/2016 dated 20.7.2017.
- Annexure A3: Copy of the representation dated 10.12.2017 submitted to the 1st respondent.

Annexures filed by the respondents:

- Annexure R1: Copy of HQ SNC letter CS 2695/43/1768 dated 15.11.2017.
- Annexure R2: Copy of HQ SNC letter CS 2695/43/1742 dated 27.12.2017.
- Annexure R3: Copy of HQ SNC letter CS 2695/43/1742 dated 2.2.18.
- Annexure R4: Copy of IHQ of MoD (N) letter CPT(L)/8000/OA No.1146/2014 OP (CAT) 271/2016 & OP (CAT) 213/2017 dated 7 May 18.
- Annexure R5: Copy of IHQ of MoD(N) letter CPT(L)/8000/OA No.1146/2014 OP (CAT) 271/2016 & OP (CAT) 213/2017 dated 15 May 18.
- Annexure R6: Copy of HQ SNC letter CS 2695/43/1768 dated 31 May 18.
- Annexure R7: Copy of IHQ of MoD(N) letter CPT(L)/8000/OA No.1146/2014 OP (CAT) 271/2016 & OP (CAT) 213/2017 dated 29 Aug 18.
- Annexure R8: Copy of HQ SNC letter CS 2695/43/1768 dated 31 Aug 18.