

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH  
HYDERABAD**

**OA/020/1172/2013  
Date of Order: 14.09.2018**

Between:

1. G. Suri Babu,  
S/o.Late Sanyasi Naidu,  
Aged about 51 years.
2. S.R. Appala Naidu,  
S/o. Atchiyya S.R.,  
Aged about 53 years.
3. K. Appa Rao,  
S/o. Late Neelayya,  
Aged about 48 years.
4. K. Venkateswarlu,  
S/o. Late K. Simhachalam,  
Aged about 45 years.
5. K. Murali Krishna,  
S/o. Sankara Rao,  
Aged about 38 years.
6. M. Appala Naidu,  
S/o. Paidaiah,  
Aged about 38 years.
7. V. Sanyasi Rao,  
S/o. Somulu,  
Aged about 36 years.

8. A. China Babu,  
S/o. A. Ramulu,  
Aged about 40 years.

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Applicants

AND

1. Union of India rep. by  
Ministry of Defence rep. by  
The Secretary, South Block,  
Sena Bhavan, New Delhi.
2. The Secretary and Scientific  
Advisor to Raksha Manthri,  
Department of Defence Research and Development,  
DRDO Headquarters,  
Rajaji Marg, New Delhi – 110 105.
3. The Director General, Headquarters,  
Advanced Technology Vessels,  
Programme (ATVP),  
Akanksha Development Enclave,  
Rao Tula Ram Marg,  
New Delhi – 110 010.
4. The Project Director,  
Ship Building Centre,  
Varuna Block, Godavari Gate,  
Visakhapatnam – 530 014.

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Respondents

Counsel for the Applicants : Mr. K.R.K.V. Prasad

Counsel for the Respondents : Mr. M. Brahma Reddy,  
Addl. CGSC.

CORAM :

THE HON'BLE MR. JUSTICE L. NARASIMHA REDDY, CHAIRMAN  
THE HON'BLE MR. B.V. SUDHAKAR, MEMBER (A)

**ORAL ORDER**

(Per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman)

The applicants are working as Drivers of Fire Engines in the Ship Building Centre at Visakhapatnam, a Government of India Undertaking. They made a representation to the Project Director on 23.05.2013 with a request to fix their Grade Pay at Rs.2000/- instead of existing Rs.1900/-. According to them, the Grade Pay for the Fire Engine Drivers working in Navy has been upgraded and as such they are also entitled for the same benefit.

2. Through a reply dated 04.07.2013, the 4<sup>th</sup> Respondent informed the applicants that the Grade Pay of Rs.2000/- is for the Fire Fighting Staff and not for the Fire Engine Drivers under the structure of establishment as both the organizations are totally different, that on completion of 10 years of service, the applicants would become eligible for MACP and the same would be applicable as and when it becomes due. The same is challenged in this O.A. It is pleaded that there is no difference as to the discharge of duties by both the categories and the Grade Pay is wrongfully denied to them.

3. The Respondents filed a detailed counter affidavit stating that the

functional as well as the establishment differences between the applicants on the one hand and the Fire Fighting Officials of the Navy on the other hand are substantially different. It is also stated that the pay of the applicants have been fixed on the basis of the Recruitment Rules framed in the year 2002 and no further benefit can be extended to them, as of now.

4. Heard Shri K.R.K.V. Prasad, learned counsel for the applicants and Shri M. Brahma Reddy, learned Standing Counsel for the Respondents.

5. The applicants want similarity of pay structure and in particular the Grade Pay, with the Fire Fighting officials in the Navy. In support of their claim, the applicants relied upon the letter dated 25.04.2013 issued by the 4<sup>th</sup> Respondent and made a representation. On his part, the 4<sup>th</sup> Respondent stated that the said letter does not apply to the applicants. One of the reasons mentioned therein was that there exists a four grade structure in the organisation, in which the applicants are working in the context of promotion, whereas in the Navy it is only three grade structure. When that is the substantial difference in the very structure of the organization vis-a-vis the Fire Fighting Officials, the applicants cannot pick up one thread i.e. Grade Pay, and draw parity. In the context of parity in Grade Pay, the similarity in the nature of duties and the structure of the cadre needs to be taken into account. The occasion for the Respondents to bestow their attention to the same did not arise because the representation of the applicants is very cryptic and brief.

6. It is fairly well settled that the Tribunal or a Court shall not sit as an

appellate authority in the context of re-fixation of pay scales or the grade pay. Matters of this nature need to be left to be dealt with by the appointing authority which in turn has to take into account, the various factors such as the policy guidelines that are relevant to the issue. Though the Respondents have discharged part of their duty by the replying to the representation of the applicants, we are of the view that in case the applicants want to incorporate further details in support of their claim, they need to make a fresh representation to the Respondents in this behalf.

7. Therefore, the O.A. is disposed of leaving it open to the applicants to make a representation by incorporating various aspects indicating as to how and on what basis they can be treated on par with the Fire Fighting Personnel or officials of the Navy and at the same level. If such a representation is made, the Respondents shall pass an order thereon within three months thereafter. There shall be no order as to costs.

**(B.V. SUDHAKAR)**  
**MEMBER (A)**

**(JUSTICE L. NARASIMHA REDDY)**  
**CHAIRMAN**

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