

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.**

O.A. No. 643/2018

Date Of Decision: 30th October, 2018.

**CORAM: HON'BLE Dr. BHAGWAN SAHAI, MEMBER (A).
HON'BLE SHRI R.N. SINGH, MEMBER (J).**

1. Mr. Dilip Kumar Pandit,
Age: 42 years, Occupation: Service,
Residing at Quarter 141/8, NCH Colony,
L.B. Road, Kanjurmarg(west), Mumbai-78.
2. Mr. Vinod R. Chawla,
Age: 47 years, Occupation: Service,
Residing at 01, Sai Shaddha Cottage No.8,
Malwani Chruach, behind Sagar Plaza Bldg.,
P.O. Kharodi, Malad(west), Mumbai-95.
3. Ms. Jyotsna Misale,
Age: 37 years, Occupation: Service,
R/at Pestam Sagar, Sunder Lane,
P.L. Lokhande Marg, Chembur,
Mumbai- 400 089.
4. Mr. Rameshkumar Salikram Thakur,
Age: 33 years, Occupation: Service,
R/at Quarter No. 883/2, Chunabhatti Colony,
NAD. Neval Station Karanja, Taluka: Uran,
District: Raigad, Navi Mumbai- 400 704.
5. Suresh Shankar Parab,
Age: 40, Occupation: Service,
Residing at 105/B, Rajesh Co-operative
Housing Society, Shani Mahatma Mandir Rd.,
Sarvoday Nagar, Near Income Tax Colony,
Jogeshwari(East), Mumbai- 400 006.
The Applicant No. 1 to 5 are employees of
the Respondent No.2, having office at
Naval Dockyard(for SMP), Mumbai- 400 023.

...Applicants.

(By Advocate Shri K Amogh Karandikar)

Versus

1. Union of India,
Through Ministry of Defence,
New Delhi-110 011.

2. The Admiral Superintendent,
Naval Dockyard(for SMP),
Mumbai- 400 023.
3. The Flag Officer Commanding-in-Chief,
(for CCPO), Western Naval Command,
Mumbai- 400 023.
4. Directorate of Civilian Personnel,
Integrated Head Quarters,
Ministry of Defence(Navy),
New Delhi- 110 011.
5. Union of India,
Through the Ministry of Personnel,
Public Grievances and Pension,
Department of Personnel and Training,
Having Office at New Delhi- 110 011.
6. Establishment (RR Division),
Having office at New Delhi- 110 011.

...Respondents.

ORDER(oral)

PER:- R. N. SINGH, MEMBER(J)

MA No. 587/2018:

Applicants Nos. 4 & 5 working as Dresser under Respondent No.3, The Flag Officer Commanding-in-Chief(for CCPO), Western Naval Command, Mumbai, and presently posted under the Respondent No.2, the Admiral Superintendent, Naval Dockyard(for SMP), Mumbai, have filed the aforesaid M.A. Seeking permission to file the present OA jointly. Learned counsel for the applicant submits

that all the applicants are similarly placed and their grievances are also same. In the facts and circumstances, the MA seeking permission to file the above OA jointly is allowed.

OA No. 643/2018:

By way of their aforesaid OA, the applicants have challenged the letter dt. 03.08.2012 (Annexure A1) forwarded by communication dt. 21.11.2017 (Annexure A-2) and the applicants have sought the following reliefs:-

"a) This Hon'ble Tribunal be pleased to call the records of the order dated 03.08.2012 by suitable order quash and set aside the said order thereby conducted improper cadre review of post of Dressers into Multi Tasking Staff in the Indian Navy.

b) This Hon'ble Tribunal be pleased to call the records of the order dated 21.11.2017 communicated to the Respondents no.1 i.e. Of the Applicants by the Respondents no.2 vide letter dated 28.12.2017 thereby rejecting the proposal for cadre review of post of Dressers/Multi Tasking Staff into civilian Medical Assistant or the other related post as per the duties

and responsibilities.

c) This Hon'ble Tribunal be pleased to held that the cadre review already conducted by the Respondents vide order dated 03.08.2012 is illegal.

d) This Hon'ble Tribunal be pleased to pass an order directing the Respondents to restore post of Dressers of the Applicants and conduct the cadre review of the Applicants from Dresser to Civilian Medical Officer or such other post having similar or related duties of the Dressers as per the guidelines issued by the Respondents dated 23.11.1987.

e) This Hon'ble Tribunal be pleased to pass an order directing the Respondents to grant consequential service benefits of the new post under cadre review including increasing pay scale and grade pay with retrospective effect including benefits of 6th and 7th Pay Commission as applicable.

f) Any other relief as this Hon'ble Tribunal may deem fit in favour of the Applicant and to meet the ends of justice.

d) Cost of this Application be provided for."

2. The learned counsel for the applicants submits that before approaching this Tribunal, the applicants have preferred a comprehensive representation dt. 15.05.2018 (Annexure A-21) through their counsel for redressal of their grievances.

However, the said representation is still pending consideration of the respondents. Learned counsel for the applicants further submits that though the applicants have received a communication vide OM dt. 31.05.2018 (Annexure A-22) from the Department of Personnel & Training through their counsel (Respondent No.5), the fact remains that the aforesaid representation of the applicants has not been considered by the Competent Authority and disposed of till date. In the aforesaid facts and circumstances, the learned counsel for the applicants submits that the applicants shall be satisfied if the OA is disposed of with direction to the respondents (Nos. 1 to 4) to consider the aforesaid representation dt. 15.05.2018 by passing a reasoned and speaking order in a time bound manner.

3. In the circumstances, the OA is disposed of with direction to the respondents Nos. 1 to 4 to consider the pending representation dt. 15.05.2018 of the applicants by passing a reasoned and speaking

order within four weeks of receiving of certified copy of this order and communicate it to the applicants within two weeks thereafter.

4. The OA is disposed of. No order as to costs.

(R.N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

Ram.