

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

MA/310/00004/2019 in & OA/310/00009/2019

Dated Monday the 7th day of January Two Thousand Nineteen

**CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

1.R.Lakshmanan,
2.R.Raman.

....Applicants

By Advocate M/s. S. K. Sekar

Vs

1.Union of India rep by its Secretary,
Ministry of Defence,
South Block, New Delhi 110001.

2.The Engineer-in-Chief's,
Army HQ,
Kashmir House, DHQ PO,
New Delhi 110011.

3.The Garrison Engineer (NAS),
INS Rajali,
Arakonam 631006, Tamil Nadu.

....Respondents

By Advocate Mr. Su. Srinivasan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. MA for joining together to file a single OA is allowed.

2. The applicants have filed this OA seeking the following reliefs :

"1. To call for the file on the Third Respondent herein and set aside the order No. 102/RL/Legal/26/EIC dated 20.06.2018 and consequently direct the respondents :-

(a) To grant selection grade to the applicants in the pay scale of Rs. 4000-6000 (RPR 1997) as per order A-14 from the date of Completion of 8 years service in the post of Lift Operator;

(b) To fix the pay of the applicants in the Selection grade (Rs. 4000-6000) from the date of grant of selection grade.

(c) To re-fix the pay of the applicants w.e.f 01.01.2006 under RPR 2008 in the revised corresponding Pay Band-1 with grade pay of Rs. 2400 prescribed by the 6th Central Pay Commission.

(d) To off-set the selection grade to be granted to the applicants against the first financial upgradation w.e.f. 09 August, 1999 under ACPs as been done in the case of Lift Operators of the CPWD.

(e) To grant second and third financial upgradation under MACP Scheme to the applicants in the grade pay of Rs. 2800/- (Pay Band-1) and Rs. 4200/- (Pay Band-2) respectively as per orders at A14 & A15.

(f) Pay the arrears admissible to the applicants upon re-fixation of their pay in selection grade and financial upgradation under MACPs within two months from the date of disposal of this OA.

(g) Pay interest to the applicants at 12% per annum w.e.f. 19th feb 2009 (date on which the Govt. of India granted the aforesaid benefits to the Lift Operators of the CPWD) on the arrears payable to them.

(h) To award the cost.

(i) Pass such other orders as may be considered appropriate to meet the end of justice."

3. The applicants are aggrieved by the speaking order passed by the competent authority dt. 20.06.2018 in pursuance of the order of this Tribunal in

OA 128/2018, rejecting their claim for parity with Lift Operators of CPWD. It is submitted that the applicants performed the same functions as the Lift Operators of CPWD and, therefore, they could not be discriminated against.

4. Mr. Su. Srinivasan, SCGSC takes notice for the respondents.

5. On perusal, it is seen that the applicants' request for parity had been rejected on the ground that the applicants came under a different Ministry and were governed by totally different Recruitment Rules. Further, it appears that the Lift Operators of CPWD had been granted certain benefits in terms of the arbitration and direction of the Hon'ble High Court in the relevant cases. As for the applicability of such pay scales to the Lift Operators of MES, it is stated that the decision to grant pay scales of Rs. 3200-4900 and Rs. 4000-6000 for ACP purposes as per DoPT letter dt. 09.08.1999 had attained finality in terms of the order of the Principal Bench of this Tribunal dt. 31.03.2011 in OA 2149/2000.

6. The impugned order further states that the Principal Bench to which the matter had been remitted by the Hon'ble Delhi High Court had finally held that there could be no equality in a matter of illegality. Having considered the totality of the facts and circumstances of the case and having taken note of the ACP scheme and the decisions of the respondents who treated Lift Operators as an isolated post, it was a considered finding of the Tribunal that the respondents had correctly fixed a pay scale of Rs. 3200-4900 and Rs. 4000-6000 as 1st and 2nd financial upgradation under the ACP Scheme.

7. In view of the above, we are unable to fault the impugned order for any illegality or infirmity. The grounds on which this OA had been filed are misconceived and the OA is accordingly dismissed.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

07.01.2019

SKSI