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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. NO.1730 of 2003

New Delhi, this the 1st day of November 2004

**Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Shri S.K. Naik, Member (A)**

Indian Navy Civilian Design Officers'
Association through:

1. Swapan Deb
S/o Shri J.B. Deb,
A-265, Moti Bagh-I
New Delhi.
2. O. Sebastian
S/o late Shri V. Devasia
R/o D-4, Priya Apartments,
D-Block, Vikaspuri, New Delhi.

.....applicants.

(By Advocate : Shri M.K. Bhardwaj)

Versus

Union of India & Ors. through

1. The Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. The Secretary,
Ministry of Personnel, Public Grievance & Pension,
North Block, New Delhi.
3. The Secretary,
Ministry of Finance,
Department of Expenditure,
North Block, New Delhi.
4. The Director of Civilian Personnel
Naval HQ
Sena Bhawan,
New Delhi.

.....Respondents.

(By Advocate : Shri Rahul Kumar for Shri Adish C. Aggarwal)

ORDER (ORAL)

HON'BLE SHRI SHANKER RAJU, MEMBER (J) :

Heard the learned counsel.

2. Applicants, who are working as Junior Design Officers, seek parity of the pay scale of Rs.7500-12000 as granted to the CTOs' (Design). As per the established facts, till the Fourth Central Pay Commission's recommendations both

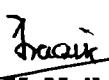
(2)

the posts were in the same pay scale. It is only on the recommendations of the Fifth Central Pay Commission that the pay scale of Rs.7500-12000 has been granted to the CTOs' whereas applicants by virtue of SRO 246 were placed in the pay scale of Rs.7450-11500. This aspect of the disparity was considered and in the light of the consultation with the Ministry of Finance, the same has been turned down vide order dated 4.1.2004 giving rise to the present OA.

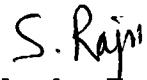
3. Learned counsel of the applicants vehemently contended that these posts in all respect both functional or duty-wise are identical. As such disparity in the pay scale of the persons, who are identically placed, is in violation of Articles 14 and 16 of the Constitution. It is further stated by Shri Bhardwaj that whereas the other functional requirements are identical, the applicants are discharging the ^{same} function and duties, which has not ^{been} taken into consideration by the respondents.

4. We have heard the learned counsel and also perused the material on record as well as the written submissions. We are of the considered view that this aspect of the matter of performance of similar duties attached to both the posts has not been looked into by the respondents.

6. In the result, OA is disposed of with a direction to the respondents to reconsider the parity of pay scale of the applicant along with CTOs by evaluating their duties and responsibilities and pass a detailed and speaking order within a period of three months from the date of receipt of a copy of this order. No costs.


(S.K. Naik)

Member (A)


(Shanker Raju)

Member (J)

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