

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.21/1259/2018

Date of Order: 24.10.2019

Between:

1. Mallikarjuna Rao, A 364050
S/o Late Shri K Narsaiah, Age – 56, Occ : CTO(M),
R/o F-2, Venkateswara Residency, Uttam Nagar
Safilguda, Hyderabad.
CNA(DP), Hyderabad.
2. JV Ramana Murthy, A 360264
S/o Late Shri JV Satyanarayana Murthy
Age – 54, Occ: CTO(M) ,
R/o H.No. 7-35, Shiridi Nagar, Almasguda,
Kanchanbagh(PO), Hyderabad – 500 058,
MSQAA, Hyderabad
3. T Vijaya Raju, A 363908
S/o Late T Subba Rao, Age – 54, Occ: CTO(M),
R/o Flat No. 201, Sai Sign Apartment, Vidyuthnagar
Dilshuknagar, Hyderabad, CNA(DP), Hyderabad.
4. A Rajeswari, A364056
D/o Late Shri A Venugopala Rao,
Age – 56, Occ: CTO(M), R/o. BHEL Old MIG H.No 1246
BHEL Township, RC Puram, Hyderabad 500 032
CAN (DP), Hyderabad.
5. K Vijaya Lakshmi, A312991
D/o Late Shri K Nageswara Rao ,
Age – 59 years, Occ: CTO(A&E),
R/o. HNo. 15-178, NBR Extension Colony,
Meerpet, Hyderabad – 500 097, MSQAA, Hyderabad
6. G Geetha, A 364047
D/o Late Shri CV Lingam, Age – 50, Occ :F(A&E),
R/o H No. 1-9-136, Lane No. 7A, Dwarakapuram
Dilsukhnagar, Hyderabad 500 060, CNA(DP), Hyderabad
7. RNVM Rama Rao, A 363920
S/o Late Shri R Govindarajulu, Age – 55, Occ: F(M),
R/o H. No. 7-17, Shiridi Nagar, Almasguda
Kanchanbagh (PO), Hyderabad -500 058
CNA(DP), Hyderabad
8. Ch Kurma Rao, A 364054
S/o Late Shri Ch Ananda Rao, Age- 51, Occ: F(M),

R/o H No 8-14, Plot No 10,Malla Reddy Nagar Colony
 Kanchanbagh(Post) Hyderabad – 500 058
 CNA(DP), Hyderabad

9. DL Vijaya Kumar, A 364057
 S/o Late D Nageswara Rao.Age – 51, Occ : CTO(M),
 R/o H.No 5-4-34/103, Flat No.103, 1st Floor, S L S Homes
 Kamala Nagar, Vanastalipuram, Hyderabad 500 070
 CNA(DP), Hyderabad.
10. KL Satyanarayana, A 364046
 S/o Late Shri K Venkata Subba Rao, Age – 54, Occ : F(M),
 R/o.Flat No. 405 Sri Raja Rajeshwari Residency,
 Yaprak, Secunderabad-500087, CAN (DP), Hyderabad
11. S Rajamouli, A 364048
 S/o Late Shri S Narsaiah, Age – 59, Occ : F(M),
 R/o. H. No 12-11/2, Flat No 461, Rajsukh Nagar,
 Annapurna Colony, Nagaram, Keesara (Mandal)
 RR (Dist) Hyd -083,CAN (DP), Hyderabad
12. K Yadaiah, A368256
 S/o Late Shri K Shivaiah, Age – 59, Occ : CTO(A&E),
 R/o.H.No. 7-118/1, 1st Floor, Maruthi Nagar
 Santosh Nagar, Hyderabad – 500 059, CAN (DP), Hyderabad
- 13 . Ch Pratap Kumar, A 360259,
 S/o Shri Ch Samba Murthy, Age -54, Occ : CTO(M),
 R/o Villa No. 24, Pallampally Villas, Nizampet, Near JNTU
 Hyderabad,MSQAA, Hyderabad
- 14 . V Padmanabham, A364055
 S/o Late Shri V Chandraiah, Age-58, Occ : F(M),
 R/o H. No 26-35/1, Amaravati Colony,
 Almasguda, Hyd- 057,CNA(DP), Hyderabad
15. KS Samuel, A354422
 S/o Ouseph Samuel, Age – 59, Occ : CTO(M),
 R/o HNo. 7/15, Bahar A, Sahara State
 Mansoorabad, Hyderabad – 500 068
 MSQAA, Hyderabad
16. A Suryanarayana, A363943
 S/o AV Ramana, Age – 55, Occ :
 R/o 102, Kamala Homes, MIG-96
 VUDA Layout, Marripalem, Visakhapatnam CNAI(E)
17. Sangeeta S Attivilli, A363942
 D/o Late Shri RV Usgaonkar, Age – 51, Occ :
 R/o 58-14-09, Flat No. 102, Kamala Homes, MIG-96,
 VUDA Layout, Marripalem, Visakhapatnam, CNAI(E)

18. N Prasada Babu, A246256
S/o Late Shri N Ramachandra Rao, Age 58 years, Occ : F(M),
R/o D-No. 21-34/17, Viman Nagar,NAD(PO),
Visakhapatnam-530 009, CNAI(E).
- 19 . PKRP Gandhi, A368397,
S/o Late Shri P Ramana, Age 58 years, Occ : CTO(M),
R/o Plot No. B-61, Dayal Nagar,
Visakhapatnam-530 043, NSTL(V)
- 20 . Murali Majhi, A369583,
S/o Late Shri Guno Majhi, Age 48, Occ : CTO(M),
R/o D.No. 1-206/4, Plot No. 2A, Hasmi Nagar, Sujatha Nagar
Visakhapatnam – 530 051,NSTL(V)
21. N Sreelekha, A246253,
D/o Late Shri R Nanoo, Age 52, Occ : F(M),
R/o D.No. 21-82(1), NAD(PO), Visakhapatnam, CNAI(E)
22. BVS Prasad, A 368435
S/o Late Shri B Kanna Rao, Age - 51,Occ : F(M),
R/o D.No. 58-14-16/2/1, HIG 103, VUDA Layout, NAD(PO)
Marripalem, Visakhapatnam-530009, CNAI(E)
23. JS Prakasa Rao, A368434
S/o Late Shri J Venkata Rao
Age - 54,Occ : F(M), R/o D.No. 20-175,
Srinivas Nagar, Simhachalam Area,
Visakhapatnam – 530 028, CNAI(E)
24. LS Kaushik, A363934
S/o Late Shri L Lakka Raju, Age 55 years, Occ : F(M),
R/o D.No. 9-6-39/12, Sivaji Palem
Visakhapatnam – 530 017,CNAI(E)
25. P Vijaya Bhaskar, A363932
S/o Shri P Ramamohana Rao Age – 54,
Occ : F(M), R/o 7-125, Chanakya Nagar,
Chinamusilivada, Pendurthi,
Visakhapatnam – 531173, CNAI(E)
26. V Venugopal, A363939
S/o V Srinivasa Rao, Age - 49, Occ : F(M),
R/o Flat No. 501, Sri Lalitha Vihar,
Near RTC Depot, VUDA Colony,
Madhurawada, Visakhapatnam – 530 041, CNAI(E)
27. PV Krishna Mohan, A368437
S/o Shri Tulasi Raju, Age - 53,Occ : F(M),
R/o 45-50-22/6, Abid Nagar, Akayya Palem
Visakhapatnam-530 016. CNAI(E).

28. M Kesava Rao, A363924
 S/o M Rajeswara Rao
 Age - 58,Occ : F(M),R/o Plot No. 216,
 Sector V, Paparaju Palem, Sujatha Nagar(PO),
 Visakhapatnam – 530 051, CNAI(E)

29. VS Nagarajan, A363924
 S/o Shri V Sastha, Age - 54,
 Occ : F(M),R/o Plot No. 6, NAD Layput
 Paparaju Palem, Sujatha Nagar(PO)
 Visakhapatnam – 530 051, CNAI(E)

30. GVLN Rao, A246247
 S/o Late G Koteswara Rao, Age - 51 years,Occ : F(M),
 R/o D.No. 50-117-0, NE layout,Seetammadhara,
 Visakhapatnam-530 013, CNAI(E)

31. J Hari Prasad, A368441
 S/o J Satyanarayana, Age - 58,Occ : F(M),
 R/o HNo. 58-15-13, Santi Nagar, NAD(PO)
 Visakhapatnam – 530 009, CNAI(E)

32. KY Rao,A363940
 S/o Late K Nooka Raju
 Age - 53, Occ : CTO(M),R/o Flat No. A-305,
 Balaji Metro Residency, Dondaparthy,
 Visakhapatnam – 530 016, CNAI(E)

33. P Ramamurthy, A246257
 S/o Late P Bharatha Raju, Age - 59,Occ : F(M),
 R/o D.No. 60-18-33, Prakash Nagar, Malkapuram,
 Visakhapatnam – 530 011, CNAI(E).

34. A Ramaswamy, A238058
 S/o Late Shri S Athimoola Perumal
 Age – 53,Occ : F(M), R/o Plot No. 91, Sri Ramasamy Nagar
 Kumaramangalam Village, Madhur Ind Estate (PO)
 Pudukkottai (dist), Pin:622515, T Nadu
 NAI, Trichy

35. P Savithri, A363944
 D/o Shri P Padiyan, Age - 51,Occ : F(M),
 R/o 72, Pugal Nagar, Kattur,Trichy-620 019,
 Tamil Nadu, NAI, Trichy

36. DP Chakrabarti, A 368423
 S/o Shri Manindranath Chakrabarti
 Age - 49, Occ : F(M), R/o B/9/4, Uttrayan Housing Estate
 102, BT Road, Kolkata – 700 108,West Bengal
 NAI, Kolkata

37. CSVR Murthy, A 233401
 S/o CR Subramanian, Age - 52, Occ : F(M),
 R/o No. 2126 (new No. 77), II nd street, 3rd Cross
 Vasantha Colony, Annanagar, Chennai – 600 04
 NAI, Arrakonnam

38. P Srinivasa Rao, A363918
 S/o Late Shri P Surya Chary, Age - 59, Occ : CTO(M),
 R/o H.No. 6-24, Sai Prabhu Enclave, Mallapur, RCI Road
 Keshavgiri (PO), Hyderabad – 500 005, CNA(DP), Hyderabad

39. D Shankar Babu, A364052
 S/o Late Shri D Bhadraiah
 Age - 54, Occ : CTO(M), R/o H No. 9-6-173,
 Durga Bhavani Nagar, Hyderabad – 500 059
 CNA(DP), Hyderabad.

40. G. Anil Kumar, A368656,
 S/o. G. Surya Prakash, Aged about 42 years,
 Occ : F (M), R/o. Flat No. 402, B-Block, Sita Paradise,
 Ramnagar, Visakhapatnam – 530 002,
 NAI Cell at NSTL.

...Applicants

AND

1. The Union of India Rep by its Secretary,
 Ministry of Defence,
 South Block, New Delhi -110011.
2. The Director of Civilian Personnel,
 Integrated Headquarters,
 Ministry of Defence, (Navy)
 Talkatora Stadium Annex Building,
 New Delhi - 110001.
3. The Director General of Naval Armament Inspection,
 Integrated Headquarters,
 Ministry of Defence (Navy)
 West Block-V, Wing 1 FF, R.K.Puram,
 New Delhi -110066.
4. The Flag Officer Commanding in chief,
 For CCPO
 Head quarters,
 Eastern Naval Command,
 Visakhapatnam - 530014.

..... Respondents

Counsel for the Applicants ... Mrs. Anita Swain

Counsel for the Respondents ... Mrs. K. Rajitha, Sr. CGSC

CORAM:
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER
{As per B.V. Sudhakar, Member (Admn.)}

2. The OA is filed for fixation of pay in the pay scale of Rs.5500-9000 (pre-revised) as per the order of the Hon'ble Kerala High Court in OP (CAT) No. 213/2017, dt. 20.07.2017 & batch.
3. Brief facts are that the applicants were working as Senior Chargeman in NAIO (National Armament Inspection Organisation) of the respondents organisation in the Pay scale of Rs.1400-2300 before 5th CPC. On implementation of 5th CPC, the Senior Chargeman of NAIO were re-designated as Chargeman-II in the pay scale of Rs.5000-8000 while as the Senior Chargeman of NASO (National Armament Supply Organisation) belonging to the same respondents organisation were re-designated as Chargeman-I with pay scale of Rs.5500- 9000 vide Min. of Finance OM memo dated 11.9.2001, which obviously created an anomaly in the pay scale amongst similarly situated employees. To rectify the anomaly, respondents downgraded the scale of Senior Chargeman of NASO from Rs.5500 – 9000 to Rs.5000-8000 resulting in a flurry of litigation. Courts interfered and restored the pay scale to the aggrieved. Consequently, the 2nd respondent proposed on 21.1.2014 to the 1st respondent for enhancing the pay scale to Rs.5500-9000 for the Senior Chargeman of NAIO and Naval Dockyard on par with similarly placed employees in NASO. After assessing the financial implication to examine implementation of the proposal, it was turned down on 15.10.2014. Aggrieved, similarly placed persons approached the

Hon'ble Ernakulam Bench of this Tribunal in OA No. 180/01149 of 2014, wherein the relief sought was declined on 16.09.2015. The matter was carried to the Hon'ble High Court of Kerala in OP (CAT) 213/2017 & 271/2016, wherein the Hon'ble High Court vide Judgment dated 20.7.2017 granted the relief, which was extended only for those who approached the court and not the applicants. Hence the OA.

4. Respondents state that prior to the 5th CPC the Senior Chargeman in NASO, NAIO and Naval Dockyard had similar scale of Rs.1400-2300. While implementing 5th CPC, the 3 grade structure of Senior Chargeman, Foreman and Senior Foreman in Technical Supervisory Staff (TSS) was restructured into 4 grade structure of Charge Man Grade II, Chargeman Grade I, Asst. Foreman and Foreman. However, while implementing the 5th CPC recommendations, the Chargeman- I in NASO were granted pay scale of Rs.5500-9000 whereas those in NAIO were given Rs.5000-8000 leading to an anomaly, which, when brought to the notice of an Anomaly Committee, it was recommended to downgrade the pay scale of Senior Chargeman of NASO to Rs.5000-8000, admitting that the hike effected was a mistake. On being challenged in various Courts by the Senior Chargeman, the decision went in their favour. Minister of Defence after examining the financial implication involved has turned down the upgradation of Pay Scale as submitted by the subordinate formations. Aggrieved by this decision, when the matter was adjudicated by the Hon'ble High Court of Kerala, the decision was once again in favour of the petitioners there in. Consequently, Govt. of India has granted sanction to implement the order only in respect of those who approached the

Hon'ble High Court. Another 15 serving/retired employees of CNA (South) filed OA 180/00255/2015 and got similar relief from the Hon'ble Ernakulam Bench of this Tribunal. In view of the cited judgments, the case for upgradation for non-petitioners along with financial implication is being resubmitted to Ministry of Defence for consideration.

5. Heard both the Counsel and perused the pleadings.

6. I) As seen from the details of the case, the applicants working in NAIO as Senior Chargeman have been granted lower pay scale of Rs.5000- 8000 instead of Rs.5500-9000 as was granted to similarly placed employees in NASO. The matter when taken up with the anomaly committee, it was decided to reduce the pay scale of Senior Chargeman to Rs.5000-8000 which, when challenged in the Hon'ble High Court of Kerala in OP (CAT) 213/2017 and OP (CAT) 271/2016 favourable orders were issued in respect of the petitioners to enhance the pay scale to Rs.5500-8000. When the financial implication was let known to implement the decision, the proposal to upgrade the scale for all those eligible was rejected but confined it to those who approached the Court, as per Govt. of India Orders. This forced 15 other retired/ serving employees to approach the Hon'ble Ernakuman Bench in OA 255/2015 seeking similar relief which was allowed, even as per the respondents. Consequently, a fresh proposal is being submitted to Min. of Defence for reconsideration of upgradation of the scale to Rs.5500-9000 in respect of the applicants and also in regard to the others who are eligible but did not approach the courts.

II) From the material papers filed by the applicants, it is seen that Hon'ble Ernakulam Bench of this Tribunal was moved in OA/180/00328/2018 by a similar person, which was disposed vide order dt. 28.11.2018 directing the respondents therein to grant the pay scale of Rs.5500-9000 to the applicant therein w.e.f. 1.1.1996 with consequential benefits. It is well settled law that similarly situated employees have to be granted the relief as was granted to those similarly placed. If the administrative authorities discriminate amongst persons similarly situated, in matters of concessions and benefits the same directly infringes the constitutional provisions enshrined in Articles 14 and 16 of the Constitution. Tribunal relies on the observations of the Hon'ble Supreme Court made in a cornucopia of judgments given hereunder, while asserting as stated.

Amrit Lal Berry vs Collector Of Central Excise, (1975) 4 SCC 714 :

“We may, however, observe that when a citizen aggrieved by the action of a Government Department has approached the Court and obtained a declaration of law in his favour, others, in like circumstances, should be able to rely on the sense of responsibility of the Department concerned and to expect that they will be given the benefit of this declaration without the need to take their grievances to Court.”

Inder Pal Yadav Vs. Union of India, 1985 (2) SCC 648:

“...those who could not come to the court need not be at a comparative disadvantage to those who rushed in here. If they are otherwise similarly situated, they are entitled to similar treatment if not by anyone else at the hands of this Court.”

V CPC report, para 126.5 – Extending judicial decision in matters of a general nature to all similarly placed employees:

We have observed that frequently, in cases of service litigation involving many similarly placed employees, the benefit of judgment is only extended to those employees who had agitated the matter before the Tribunal/Court. This generates a lot of needless litigation. It also runs contrary to the judgment given by the Full Bench of Central

Administrative Tribunal, Bangalore in the case of C.S. Elias Ahmed & Ors Vs. UOI & Ors, (OA 451 and 541 of 1991), wherein it was held that the entire class of employees who are similarly situated are required to be given the benefit of the decision whether or not they were parties to the original writ. Incidentally, this principle has been upheld by the Supreme Court in this case as well as in numerous other judgments like G.C. Ghosh V. UOI [(1992) 19 ATC 94 (SC)], dt. 20.07.1998; K.I. Shepherd V. UOI [(JT 1987 (3) SC 600)]; Abid Hussain V. UOI [(JT 1987 (1) SC 147], etc. Accordingly, we recommend that decisions taken in one specific case either by the judiciary or the Government should be applied to all other identical cases without forcing other employees to approach the court of law for an identical remedy or relief. We clarify that this decision will apply only in cases where a principle or common issue of general nature applicable to a group or category of Government employees is concerned and not to matters relating to a specific grievance or anomaly of an individual employee.”

*In a latter case of **Uttaranchal Forest Rangers' Assn (Direct Recruit) Vs. State of UP (2006) 10 SCC 346**, the Apex Court has referred to the decision in the case of **State of Karnataka Vs. C. Lalitha, 2006 (2) SCC 747**, as under:*

“29. Service jurisprudence evolved by this Court from time to time postulates that all persons similarly situated should be treated similarly. Only because one person has approached the court that would not mean that persons similarly situated should be treated differently.”

III. Therefore, keeping the aforementioned circumstances in view and the law on the subject, respondents are directed to examine and consider granting relief to the applicants as sought for, in a period of 6 months from the date of receipt of this order, by issuing a speaking and well reasoned order.

IV. With the above direction the OA is disposed of with no order as to costs.

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

Dated, the 24th day of October, 2019

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