

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

Original Application No.20/009/2019

Date of Order: 07.11.2019

Between:

1. Wilson John, S/o Late S John, Age 64 years,
ID No ENC B 001437, Occ: Retired CTO (Mech),
PPO No. CNAVY165232014
R/o: Flat No.114, Gajanan Fort, Shanthi Nagar,
NAD Post, Visakhapatnam 530009.
2. B Padmanabham, ENC A 000500, S/o Late B K Sastry, Age
63 years, Occ: Retired Foreman (Mech),
PPO No. CNAVY203722013, R/o MIG II A 202,
Tarakarama Enclave, NAD Post, Visakhapatnam 530009.
3. A N Reddy, S/o Late Asi Ammoru, Age 61 years, ID No. ENC A
001475, Occ: Retired Foreman (Mech),
PPO No. 410201800305, R/o: D.No.39-33-135/1,
Madhavadhara, VUDA Colony, Visakhapatnam 530018.
4. S Krishna Mohan Rao, S/o Late S Veer appadu, Age 64
years, ID No ENC A 001436, Occ: Retired Foreman (Mech),
PPO No. CNAVY208332013, R/o: 14-338, Flat T1, Sri Sai
Residency, Gopalapatnam, Visakhapatnam 530029.
5. G V V Satyanarayana, S/o Late G Narayana Murthy, Age 69
years, ID.No ENC A 000307, Occ: Retired Foreman (Mech),
PPO No. CNAVY166322009, R/o: 38-37-72, Bhaskar Garden,
Marripalem, Visakhapatnam 530018.
6. G Gopal, S/o Late Ganto Appanna, Age 63 years,
ID .No B48283 NSTL, Occ Retired Foreman (Mech),
PPO No. CMISC175212015, R/o: 24-116, Balaji Nagar, Near
Gosala, Simhachalam, Visakhapatnam 530028.
7. S Appala Raju, S/o Late S Gangaraju, Age 63 years,
ID.No ENC A 000560, Occ: Retired Foreman (Mech),
PPO No. CNAVY179382014, R/o: 7-104, Varalaxmi Nagar,
Vepagunta, Pendurthi, Visakhapatnam 530047.
8. B S Prasad, S/o Late B S N Swamy, Age 65 years,
I.D No. ENC B 001019, Occ: Retired Foreman (Mech),
PPO No. CNAVY165362013, R/o: H.No.11-230,
Ramakrishna nagar, Near Gopalapatnam Police Station,
Visakhapatnam 530027.
9. T Bernard, S/o T Joseph, Age 66 years,
ID No. ENC B 000913, Occ: Retired Foreman (Mech)
PPO No. CNAVY160792013
R/o: 44-1-56/A/1, Salagramapuram, Visakhapatnam 530024.

10. A V S Naidu, S/o Late A Madhava Rao, Age 61 years,
ID No. ENC A 000634, Occ: Retired Foreman (Mech),
PPO No. CNAVY115812017,R/o: 258/4, Sri Sai Nagar Near
Gosala,Simhachalam, Visakhapatnam 530028.
11. P Bhaskar Rao, S/o Late P Appala Swamy, Age 69 years,
ID No ENC B 000304, Occ: Retired Chargeman I (Mech),
PPO No. CNAVY109612008,R/o: 12-7-4, Sita Rama Nagar,
B.C.Road,Gajuwaka, Visakhapatnam 530026.
12. B V S Ramachandra Rao, S/o Late B V Rama Naidu,
Age 69 years,ID No ENC C 000995, Occ: Retired Foreman (Mech),
PPO No. CNAVY109602008.
R/o: D.No.39-21-22/2, Vidhya Nagar,
Madhavadhara, Visakhapatnam 530007.
13. T Basavanna, S/o Late T Surya Narayana Murthy, Age 67 yrs,
IDNo. ENC B 000906, Occ: Retired Chargeman I (Mech),
PPO No. CNAVY168722011, R/o: D.No.32-10-33/11,
Flat No.F5, Lorsen Plaza, Sheela Nagar,
Pedigantyada, Visakhapatnam 530012
14. R R Prasad, S/o Late R Ramayya, Age 63 years,
IDNoENC B 001466, Occ: Retired Foreman (Mech),
PPO No. CNAVY165002015,R/o Flat No.104, Eswar
Residency, D.No.50-121-30,
Seethamadhara (NE), Visakhapatnam 530013.
15. B V Anjaneyulu, S/o Late B Sanyasi Rao, Age 65 years,
IDNo. ENC A 000629, Occ: Retired Foreman (Mech),
PPO No. CNAVY162472013
R/o: D.No.5-1-32, Main Road, II Town Police Station,
Suryapeta, Kakinada(Urban) 533001.
16. V V Subba Rao, S/o Late V Satyam, Age 61 years,
IDN ENC A 000628, Occ Retired CTO (Mech),
PPO No. CNAVY101402017
R/o: D.No.24-33, Srinivas nagar,
Simhachalam, Visakhapatnam 530028.
17. S V Narasimham, S/o Late S Surya Narayana, Age 69 years,
IDNo. ENC B 000308, Occ: Retired Foreman (Mech),
PPO No. CNAVY166432009
R/o: 39-19-64, Madhavadhara,
Industrial Estate, Visakhapatnam 530007.
18. K V R Murthy, S/o Late K Rama Rao, Age 64 years,
ID No. ENC B 001439, Occ: Retired CTO (Mech),
PPO No. CNAVY175422014,R/o: Flat No.504, Srinivas
Apartment,Lawsons Bay Colony, Visakhapatnam 530017.
19. M V R Manohar, S/o Late M V R Murthy, Age 62 years,
ID No NC B 000698, Occ: Retired Chargeman I (Mech),
PPO No. CNAVY169362010
R/o: D.No 1-239/1, Dayal Nagar, Near Kailasagiri
Police Quarters, Visalakshi nagar, Visakhapatnam 530043
20. A V S Ramagopal, S/o Late A Krishna Rao, Age 63 years,
IDNo ENC B 000559, Occ: Retired CTO (Mech),

PPO No. CNAVY179202014
R/o: 4-1/248, F-511, Comfort Homes, HB Colony,
Purushotampuram, Pendurthi, Visakhapatnam 530051.

21. P N Rama Murthy , S/o Late P BalaKrishna Murthy, Age 65 Yrs,
IDNo ENC B 000499, Occ: Retired Foreman (Mech),
PPO No. CNAVY200362013,R/o: H No.7-112, Chanikya ,
Nagar, Chinamushidivada, Pendurthi Mandal,
Visakhapatnam 531173
22. P B Anand, S/o Late P V Ramana Rao, Age 61 years,
IDNo.ENC A 000633, Occ: Retired CTO (Mech),
PPO No. CNAVY105792017, R/o: 1-2/213, MIG 123, VUDA
Colony, Chinamushidivada,Pendurthi Mandal,
Visakhapatnam 530051
23. T Prasannan, S/o Late K Thankappan, Age 63 years,
ID No ENC B 001442, Occ: Retired Foreman (Mech),
PPO No. CNAVY173582015,R/o: D.No.21-82(1), Kakani ,
Nagar, NAD Post, Visakhapatnam 530009.
24. K Mani Kumar, S/o Late K E Sastry, Age 64 years,
IDNo ENC A 000556, Occ: Retired CTO (Mech),
PPO No. CNAVY167942014
R/o: Plot No.6, FCI Colony Layout,
PM Palem, Visakhapatnam 530041
25. N Anandarao, S/o Late N Bairaagi, Age 62 years,
ID No ENC A 000624, Occ: Retired Foreman (Mech),
PPO No. CNAVY110622016, R/o: 40-56-26/1, Sanjeevayya
colony,Near Logos Church, Waltair R S,
Visakhapatnam 530004.
26. B Rama Rao, S/o Late B Appala Swamy, Age 61 years,
ID No. ENC B 001030, Occ: Retired CTO (Mech),
PPO No. CNAVY117382017
R/o: 38-39-12/10, Bapuji Nagar, 104 Area,
Industrial Estate, Visakhapatnam 530007,
27. V Vijaya Kumar. S/o Late V Zachariah, Age 62 years,
IDNo. ENC A 000625, Occ: Retired Foreman (Mech),
PPO No. CNAVY107562016
R/o: Flat No.104, D.No.45-58-7/5/3, Sampath Arcade,
Narasimha Nagar, Visakhapatnam 530024
28. N Appa Rao, S/o Late N Appala Swamy, Age 62 years,
IDNo. ENC A 000631, Occ: Retired Foreman (Mech),
PPO No. CNAVY105782017
R/o: H.No.13-77, NAD Layout, Near Community Hall,
Chinamushidivada, Pendurthi Mandal, Visakhapatnam 530051
29. R P Sharma, S/o Late Ramanuja Sharma, Age 61 years,
ID No ENC A 000635, Occ: Retired Foreman (Mech),
PPO No. CNAVY117102017
R/o: D.No.16-30/46, Sai Niranjana Colony,
Near Police Station, Pendurthi, Visakhapatnam 531173.
30. A Rama Murthy, S/o Late A L N Murthy, Age 63 years,
ID No.ENC B 001473, Occ: Retired CTO (Mech),

PPO No. CNAVY167522015
R/o: House No.24-76, Srinivas Nagar,
Simhachalam Post, Visakhapatnam 530028

31. K Suryanarayana, S/o Late K A Naidu, Age 67 years,
IDNo B 48240, Occupation: Retired Foreman (Mech),
PPO No. CMISC185322010,R/o: Emerald E -303, Rajiv
Swagruha, Chanda Nagar,Lingampalli, Rangareddy,
Telangana 500010
32. E Anthony, S/o Late E Rajanna, Age 70 years,
IDNo ENC C 000994, Occ: Retired Foreman (Mech),
PPO No. CNAVY1048320008
R/o: 54-11-23/1, Opposite Sai Towers,Bhanunagar,
H.B.Colony, Visakhapatnam 530022.
33. Shri PP Rao, PPONo. C/Navy 17515/2015,
S/o Late P Suryachary, Age- 63, Retired
R/o Plot No. 7-55, Shirdinagar, Almasguda,
Kanchanbagh (PO), Hyderabad-500 058
CNA(DP), Hyderabad.
34. Shri PS Prakasa Rao, PPONo. C/Navy 10428/2017,
S/o Late P Seshayya, Age – 62, Retired,
R/o Plot No. 45, H.No. 5-4-1600/1,Saradanagar Phase IV,
Vanasthalipuram,Hyderabad-500 070,CNA(DP),
35. Shri P Sitarama Raju, PPONo. C/Navy 17226/2015 ,
S/o Late. PV Subba Raju, Age-63, Retired,
R/o H. No.MIG-II-75, Phase-IX
KPHB Colony, Hyd -72, retdfrom CNA(DP), Hyderabad.
36. Shri. VVS Prasada Raju, PPONo. C/Navy 10446/2017,
S/o Late V Subba Raju, Age- 62, Retired R/o #405,
Golden Blossom Apartment
Czech Colony, Sanathnagar, Hyderabad-500 018.
37. SVR Mohana Rao, PPONo. C/Navy 16013/2014,
S/o Late S Ramulu, Age – 65,Retired,
R/o Plot No. 22, Maruthinagar, Beeramguda,
Patancheru Mandal, Medak District
PIN-502032,retired fromCNA(DP), Hyderabad.
38. Shri. Md Vazeer, PPONo. C/Navy 16008/2007,
S/o Late Md. Hussain, Age - 71,Retired,
R/o Address-9-2-410/A/82, Baghdad Colony,
Langar House, Hyderabad-500 008.
39. B.K.Swamy,PPO NO. C/Navy/16425/2015,
S/o Late Md. Hussain, Age - 64,Retired FM,
R/o H.No. 13-106,Mallikarjuna Nagar,BPO,
Badangpet, Hyd.
40. Shri S Suresh, PPO.No. C/Navy/16570/2014,
S/o Late Md. Hussain, Age - 64,Retired FM,
R/o H.No.1-20-419, Venkat Sai nagar Colony,
West Venkatapuram ,Trimulgherry(PO)
Secuendrabad, Hyd.

.....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 quarter, Eastern Naval Command,
Visakhapatnam, 530014.

..... Respondents

Counsel for the Applicants ... Mrs. Anita Swain

Counsel for the Respondents ... Mr. B. Siva Sankar, Addl. 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 NAIIO (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 NAIIO 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 employees of NSRY Kochi 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 & batch, 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. All the applicants are retired employees. Hence the OA is filed for the granting the pay scale of Rs.5500-9000 (pre-revised) w.e.f. 01.01.1996 on par with the similarly situated Chargeman of NSRY and for consequential revision of pension and arrears.

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 NAIIO 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 Ernakulam 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.”

All the applicants are retired employees and they seek the benefit of pay scale w.e.f. 01.01.1996 as was granted to other similar employees with consequential benefits.

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, with consequential benefits, 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 7th day of November, 2019

evr