

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 3036/2014

New Delhi, this the 14th day of November, 2019



**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Dilip Vasantrao Kadam,
Age 59 years,
S/o Shri Vasantrao Kadam,
P.No.93818W, Chargeman II,
CY Department, Naval Dockyard,
Mumbai-400023,
Maharashtra.

.. Applicant

(By Advocate : None)

Versus

1. Union of India,
Through Secretary,
Ministry of Defence,
North Block, New Delhi.
2. The Admiral Superintendent,
(Personnel Manager),
Naval Dockyard,
Mumbai-40023,
Maharashtra.

.. Respondents

(By Advocate : Shri S.K. Tripathi for
Shri Gyanendra Singh)

O R D E R (ORAL)**Justice L. Narasimha Reddy, Chairman**

The applicant joined the Indian Navy as an Electrician on casual basis in the year 1983. He was appointed on regular basis as Electric Fitter (Skilled) in the pay scale of Rs.260-400 w.e.f. 20.09.1984. The applicant made a representation on 08.08.2013, stating that several employees, who joined with him in the Organisation, are drawing higher scale of pay, whereas the same is denied to him. Obviously, because the applicant did not receive any reply to his representation, he filed this O.A. with a prayer to direct the respondents to revise his pay scale in view of the Notification dated 11.05.1983 and to grant pay parity with his juniors. Prayer is also made for payment of arrears.

2. The applicant contends that when several employees, similarly situated like him, were put in higher scale of pay, there is obviously no basis for denying the same to him.

3. Respondents filed a counter affidavit in the O.A. It is stated that the applicant was initially appointed



as Electrician on casual basis in the year 1983 and, thereafter, he was regularised as Electric Fitter (Skilled) w.e.f. 14.09.1984. They have also furnished the particulars of the hierarchy of the Industrial employees, before and after the acceptance of the III Central Pay Commission (CPC). According to the respondents, the discrepancy pointed out by the applicant is referable to the implementation of the recommendations of the III CPC and since he was appointed after the implementation of the recommendations of the III CPC, he cannot compare himself with those who were employed before that date.

4. The O.A. has undergone several adjournments and it was listed as many as 23 times earlier. Since there was no representation on behalf of the applicant on earlier occasion and, today also, there is no representation for the applicant and since it is one of the oldest O.As., we have perused the record and heard Shri S.K. Tripathi proxy for Shri Gyanendra Singh, learned counsel for the respondents.

5. It is not in dispute that the applicant joined the service of the respondents as Electrician on casual

basis on 21.04.1983 and, thereafter, he was appointed on regular basis as Electric Fitter (Skilled) w.e.f. 14.09.1984. The hierarchy of the Industrial employees before the implementation of the recommendations of the III CPC was as under:



<u>S.No.</u>	<u>Category</u>	<u>Scale of Pay</u>
1.	Unskilled Labour	196-232
2.	Skilled Labour	210-290
3.	Tradesman Group 'C'	225-308
4.	Tradesman Group 'B'	260-400
5.	Tradesman Group 'A'	380-560

On the basis of the recommendations of the III CPC, the pay structure was effected, together with the change of hierarchy itself. The result of the same is evident from the following particulars:

<u>S.No.</u>	<u>Category</u>	<u>Scale of Pay</u>
1.	Unskilled	196-232
2.	Semi Skilled	210-290
3.	Skilled Grade	260-400
4.	Highly Skill Grade-II	330-480
5.	Highly Skilled Grade-I	380-560

6. The applicant was put in the pay scale of Rs.260-400 w.e.f. 14.09.1984, when he was regularly appointed. The changes as indicated above, were effected, through an order dated 11.05.1983 w.e.f.



16.10.1981. As on that date, the applicant was not in regular service. The III CPC recommended a different pay structure and, resultantly, higher benefits were conferred to those employees, who were already in service on the date of the Notification. Therefore, the applicant cannot compare himself with the employees, who were already in service, by the time the recommendations of the III CPC were accepted and enforced.

7. We do not find any merit in the O.A. and, accordingly, the same is dismissed. There shall be no order as to costs.

(Mohd. Jamshed) (Justice L. Narasimha Reddy)
Member (A) Chairman

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