



भारतीय प्रतिरक्षा मजदूर संघ
Bharatiya Pratiraksha Mazdoor Sangh
(AN ALL INDIA FEDERATION OF DEFENCE WORKERS)
(AN INDUSTRIAL UNIT OF B.M.S.)
(RECOGNISED BY MINISTRY OF DEFENCE, GOVT. OF INDIA)

CENTRAL OFFICE : 2-A, NAVIN MARKET, KANPUR-1 • PH.: (0512) 2332222 • FAX : (0512) 2296229
Mob. : 09335621629, 09415726924, 09415733686 • E-mail : gensecbpms@yahoo.co.in, cecbpms@yahoo.in

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Dated: 13.05.2023

To,
The Secretary,
Govt of India, Min of Defence,
South Block, New Delhi – 110011

Subject: Constitution of a Commission/Expert Committee to remove the disparity in pay scales of Assistants in CSS and lower formations in Min of Defence.

Sir,

I am writing to bring to your attention the recent judgment of the Hon'ble Supreme Court in the case of Assistants in the Indian Navy claiming parity with the pay scale of Assistants in the Central Secretariat Service (CSS). Brief of the case is as under:-

Assistants in Indian Navy claimed parity with the pay scale of Assistants in Central Secretariat Service (CSS). There was disparity in the pay scale even at the time when the recommendations were made by the 04th CPC. As per the recommendations made by 04th CPC, the pay scale of Assistants in CSS was Rs. 1400-2600 and the pay scales of Assistants in the lower formations like appellants was Rs. 1400-2300. Thus, there was disparity in the pay scale of CSS Assistants and the Assistants working in the Indian Navy. The Issue was referred to the Commission headed by Justice D. Bhaskaran. The Commission submitted its report and the disparity came to be removed and the Assistants working in the Indian Navy were put at par with the CSS Assistants. The Central Government and the Department accepted the commission's report and accordingly the Assistants working in the Indian Navy were put in the pay scale of Rs. 1400-2600 at par with CSS Assistants. However, thereafter, when the salary was revised on the basis of the 05th CPC recommendations, again there was disparity in the pay scale. Therefore, the Assistants in Indian Navy approached the Central Administrative Tribunal claiming parity with that of CSS Assistants. The learned Tribunal allowed OA No. 314 of 2010 and directed to remove the disparity and grant the pay scale at par with the CSS Assistants. The High Court has set aside the judgement and order passed by the learned Tribunal on the ground that while making the recommendation as per 05th CPC, the commission supposed to have again studied the quality and quantity of the working of the Assistants on the CSS and other lower formations afresh. Feeling aggrieved and dissatisfied with the above judgment and order of High Court, the original applicants before the Tribunal, Assistants working in the lower formations in Indian Navy preferred an appeal before the Hon'ble Supreme Court vide SLP(C) No. 29204 of 2019. On 27.07.2022 Hon'ble Supreme Court gave the judgement that not to pay the similar pay scale to the Assistants in Indian Navy with that of the Assistants in CSS would be clearly discriminatory and violative of Article 14 of the Constitution of India. Even the same will go against the report submitted by Justice D. Bhaskaran commission which was directed to be constituted for the very purpose

and Justice D. Bhaskaran submitted its report recommending to remove the disparity and thereafter the central government accepted the said report. Hence, in view of the above and for the reasons stated hereinabove, the impugned judgment of High Court is hereby quashed and set aside and the judgement and order passed by the learned Tribunal is hereby restored.

From above it may be deduced that there has been a long-standing disparity in the pay scale between Assistants in the Indian Navy and those in the CSS, even though the 04th Central Pay Commission had recommended equal pay for both. While the disparity was addressed initially, it resurfaced after the implementation of the 05th Central Pay Commission's recommendations.

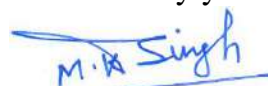
In light of the recent judgment, it is imperative that we take immediate steps to address this issue and ensure that all Assistants working under the Ministry of Defence receive fair and equal pay. To this end, I urge you to constitute a Commission/Expert Committee, similar to the Justice D. Bhaskaran commission, to study the quality and quantity of the work performed by Assistants in the CSS and other lower formations/HQs such as the MES, AOC, EME, Air Force, DRDO, DGQA, DGAQA, DoO(C&S), Ord Fys etc.

The Commission/Expert Committee should be tasked with identifying the existing disparities in the pay scales of Assistants and making recommendations to rectify them. It is crucial that we address this issue promptly and comprehensively to ensure that all employees are treated fairly and with respect.

I believe that taking swift action to rectify this issue will go a long way towards boosting morale and job satisfaction among Assistants in the Indian Navy and other lower formations/HQs under the Ministry of Defence. I look forward to your prompt action in this regard.

Thanking you.

Sincerely yours



(MUKESH SINGH)

General Secretary/BPMS &
Member, JCM-II Level Council (MOD)