

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00336/2020

Monday this the 10th day of August, 2020

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member

Anjali P.K, aged 38 years
W/o.Senthilkumar, Processing Worker Grade-I
National Institute of Fisheries Post Harvest Technology and Training
Foreshore Road, Ernakulam – 682 016,
Residing at NIFPHATT Staff Quarters
Block-4, Room-6, Pullepady, St.Francis Church Road,
Ernakulam – 682 018
Phone No.9061710777 **Applicant**

(By Advocate :Mr.T.A.Rajan)

V e r s u s

1. Union of India represented by Secretary
Ministry of Agriculture, Department of Animal Husbandry
Dairying and Fisheries, New Delhi – 110 001
2. The Director, National Institute of Fisheries Post Harvest Technology
and Training, Foreshore Road,Ernakulam – 682 016
3. The Accounts Officer, National Institute of Fisheries Post Harvest Technology
and Training, Foreshore Road, Ernakulam – 682 016 **Respondents**

(By Advocate : Mr.Thomas Mathew Nellimoottil,Sr.PCGC)

This application having been heard on 10.8.2020, the Tribunal on the same day
delivered the following:

ORDER (ORAL)

Hon'ble Mr. P.Madhavan, Judicial Member –

The applicant is presently working as Processing Worker Grade I under the second respondent. She is aggrieved by re-fixation of her pay on promotion to the posts of Processing Worker Grade II and Grade I and on granting the first financial benefit under the MACP Scheme and also the move to recover the alleged overpayment given to her. The re-fixation of pay has been made without giving any notice to her and also without giving an opportunity of being heard. Hence she prays for the following reliefs.

"I) Call for the records leading to Annexure A10 and A11 fixation statements and set aside them

II) Declare that the original fixation of pay of the applicant on granting promotion to the post of Processing Worker Grade II and Grade I and on granting the 1st MACP benefits are in order.

III) Direct the respondents to grant the difference in arrears wages due to her on the basis of the original fixation of pay.

IV) Declare that the recovery of over payment from the salary of the applicant as illegal.

V) Award costs of and incidental to this application.

VI) Grant such other relief, which this Honourable Tribunal may deem fit and proper in the circumstances of the case. "

2. When the matter came up for consideration, Counsel for the applicant submits

that the applicant's representation at Annexure A-12 is still pending with the respondents and no orders have been passed on this. She is intending to file a fresh representation and the applicant will be happy if her representation is considered by the respondents within a time frame and in the light of relevant rules and regulations.

3. Counsel for the respondents submits that he has no objection for considering the representation in the light of relevant rules.

4. **In view of the limited submission, applicant is directed to file a fresh comprehensive representation regarding her grievances within a period of two weeks to the Competent Authority and the Competent Authority will consider the representation in the light of relevant rules and regulations on the subject and dispose of the same within a period of three months from the date of receipt of such representation with a reasoned and speaking order. Recovery will not be effected till the disposal of the representation.**

5. The Original Application is disposed of as above. No costs.

(K.V.EAPEN)
ADMINISTRATIVE MEMBER

(P.MADHAVAN)
JUDICIAL MEMBER

List of Annexures

- Annexure A1 : True copy of the offer of appointment bearing No.A1/2-4/2007/1113 dated 27.4.2007
- Annexure A2 - True copy of the order bearing No.A1/2-4/2007/570 dated 9.5.2007
- Annexure A3 - True copy of the office order bearing No.A1/1-3/97 Part V Vol.II/409 dated 1.10.2010
- Annexure A4 - True copy of the pay fixation statement bearing No.NIF/A5/1-7/2006/855 dated 8.04.2011
- Annexure A5 - True copy of the order bearing No.A1/1-3/97 Part V Vol.II/1049 dated 12.09.2014
- Annexure A6 - True copy of the fixation statement dated 12.09.2014
- Annexure A7 - True copy of the fixation statement dated 4.8.2016
- Annexure A8 - True copy of the Office order no.38/2018 dated 13.9.2018
- Annexure A9 - True copy of the pay fixation statement No.NIF/A5/7-7/2006/1633 dated 11.10.2018
- Annexure A10 - True copy of the Revised pay fixation statement No.A5/1-7/2006 dated 16.1.2019 of the third respondent
- Annexure A11 - True copy of the Pay fixation statement No.NIF/A5/7-7/2006 dated 17.01.2019 of the third respondent
- Annexure A12 - True copy of the representation dated 05.03.2019 of the applicant
- Annexure A13 - True copy of the Office Memorandum bearing F.No.18/03/2015-Estt(Pay-I) dated 02.03.2016.

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