

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00337/2020

Monday this the 10th day of August, 2020

CORAM:

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

Manjusha Jolly, aged 39 years
 W/o.Jolly, Processing Worker Grade-II
 National Institute of Fisheries Post Harvest Technology and Training
 Foreshore Road, Ernakulam – 682 016
 Residing at Kattithara House, Ambadimala
 Thiruvankulam P.O, Thiruvankulam-682 305
 Ph: 9400180326 **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.N.Anilkumar, SCGSC)

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

O R D E R (ORAL)

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

The applicant is presently working as Processing Worker Grade II under the second respondent. She is aggrieved by re-fixation of her pay on promotion to the post of Processing Worker Grade II 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 A9 and A10 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 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 had given a representation in the year 2019 March, but it is still pending with the respondents. She will be happy if her representation is considered

by the respondents within a time frame and in the light of relevant rules and regulations on the subject. Counsel also added that the applicant wishes to file a comprehensive representation and that may be considered.

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. The Competent Authority is directed to consider the representation filed by the applicant and dispose of the same within a period of three months from the date of receipt of such representation and pass a reasoned and speaking order on the basis of relevant rules and regulations on the point. 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**

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List of Annexures

Annexure A1 : True copy of the offer of appointment bearing No.A1/2-4/2007/1114 dated 27.4.2007

Annexure A2 - True copy of the order bearing No.A1/2-4/2007/1278 dated 23.10.2007

Annexure A3 - True copy of the office order bearing No.A1/1-3/97 Vol.II/787 dated 25.6.2013

Annexure A4 - True copy of the pay fixation statement bearing No.A5/7-7/2006/1010 dated 14.08.2013

Annexure A5 - True copy of the fixation statement bearing No.A5/7-7/2006/1191 dated 18.10.2013

Annexure A6 - True copy of the fixation statement dated 16.01.2019

Annexure A7 - True copy of the Office order No.38/2018 dated 13.09.2018

Annexure A8 - True copy of the fixation statement bearing No.NIF/A5/7-7/2006/1637 dated 11.10.18

Annexure A9 - True copy of the Revised pay fixation statement No.A5/7-7/2006 dated 16.01.2019 of the third respondent

Annexure A10 - True copy of the Pay fixation statement No.NIF/A5/7-7/2006 dated 17.01.2019 of the third respondent

Annexure A11 - True copy of the representation dated 05.03.2019 submitted by the applicant

Annexure A12 - True copy of the Office Memorandum bearing F.No.18/03/2015-Estt(Pay-I) dated 02.03.2016.

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