

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00542/2020

Tuesday, this the 17th day of November, 2020

CORAM:

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

K.R. Shaji, S/o. Raghavan, aged 67 years,
 Skipper (Retired), Fishery Survey of India,
 Kochangadi, Kochi-682 005, House No. 37/567,
 Kuruppassery House, P.O. AIMS, Ponekkara,
 Kochi – 682 041, (Mobile) 9447309806. **Applicant**

(By Advocates : Mr. P.K. Madhusoodanan
Mr. Binoy Krishna P.M.)

V e r s u s

1. Union of India, represented by the its Secretary,
 Department of Animal Husbandry, Dairing and Fisheries,
 Ministry of Agriculture, Krishi Bhavan, New Delhi – 110 001.
2. The Director General, Fishery Survey of India,
 Plot No. 2A, Unit No. 12, New Fishing Harbour Sassoona Dock,
 Colaba, Mumbai – 400 005.
3. The Zonal Director, Fishery Survey of India,
 Kochangadi, Cochin – 682 005.
4. The Zonal Director, Fishery Survey of India,
 Foreshore Road, Fishing Harbour,
 Vizhakhatanam – 530 001. **Respondents**

(By Advocate : Mr. S.R.K. Prathap, ACGSC)

This application having been heard on 17.11.2020 through video conferencing, the Tribunal on the same day delivered the following:

O R D E R (Oral)

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

Heard the Advocates appearing for the applicant and Advocate Mr.

S.R.K. Prathap, ACGSC, appearing for the respondents, through video conferencing.

2. The applicant is aggrieved by the inaction on the part of the 3rd respondent in not granting and disbursing the financial benefits due and eligible to him pursuant to the specific directions issued in Annexure A6 dated 14.2.2020. He has filed the present OA seeking the following reliefs:

“(a) Issue necessary directions to the respondents to consider and pass orders on Annexure A2 and A5 in accordance with law, rules and rulings issued on the subject, as well as in the light of Annexures A6 and A8 at the earliest at any rate within a time limit prescribed by this Hon’ble Tribunal, without any discrimination and grant and disburse to the applicant all consequential monetary benefits arising therefrom at the earliest.

(b) Declare that the applicant is eligible and entitled for increments for the period he worked on adhoc / temporary basis as Mate grade-I and skipper as per orders of the respondents and officials under them as per FR 26 and is entitled to reckon the same for fixation of pay on regular promotions to the said posts and all financial benefits arising therefrom and also refix his retiral benefits accordingly including monthly pension etc. and disburse the monetary arrears arising therefrom at the earliest.

(c) Direct the respondents to reckon the additional increments for the period the applicant had worked on adhoc/temporary basis against the post of Mate Grade-I and skipper while fixing his pay w.e.f. his regular promotions as such with effect from the respective due dates with all consequential attendant benefits arising therefrom and revise the pay and retiral benefits of the applicant including monthly pension accordingly, and draw arrears arising therefrom and disburse the same with 18% penal interest for the inordinate delay occasioned on the part of the respondents in granting and disbursing the same to the applicant.

(d) Award costs of these proceedings.

A n d

(e) Grant such other and further reliefs as this Hon’ble Tribunal deems fit and proper in the interest of justice.”

3. When the matter came up for consideration, it appears that Annexure A5 representation filed by the applicant is still pending with the respondents

and no order has been passed by the respondents on it. The applicant is relying on Annexures A6 and A8 regarding the same.

4. Hence, we feel it appropriate to dispose of this OA without going into the merits of the case by directing the respondents to consider Annexure A5 representation filed by the applicant in the light of Annexures A6 and A8 and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

5. The OA is disposed of as above at the admission stage itself. No costs.

**(K.V. EAPEN)
ADMINISTRATIVE MEMBER**

**(P. MADHAVAN)
JUDICIAL MEMBER**

“SA”

Original Application No. 180/00542/2020**APPLICANT'S ANNEXURES**

Annexure A1 – True copy of the table showing particulars of the orders granting adhoc promotion to the applicant by the competent authorities/respondents to the post of Mate Grade I and skipper, prepared by the applicant.

Annexure A2 – True copy of the representation dated 7.6.2017 submitted before the 2nd respondent.

Annexure A3 – True copy of the details of period of applicant's work on adhoc basis.

Annexure A4 – True copy of the representation dated 30.9.2019 submitted by the applicant to the 3rd respondent.

Annexure A5 – True copy of the representation dated 30.9.2019 submitted by the applicant to the 1st respondent with copies to the respondents 2 and 3rd.

Annexure A6 – True copy of the letter dated 14.2.2020 addressed to the 3rd respondent from the office of the 2nd respondent.

Annexure A7 – True copy of the representation dated 11.9.2020 submitted to the first respondent.

Annexure A8 – True copy of the office memorandum OM No. 19/2/2013-Estt.(Pay-1) dated 12.12.2013.

RESPONDENTS' ANNEXURES

Nil

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