

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00713/2019

Tuesday this the 2nd day of March 2021

C O R A M :

**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER
HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER**

V.L Pujar, aged 50 years, S/o.L.S.Pujar
Senior Instructor (ME)
Central Institute of Fisheries and Engineering Training Unit
Royapuram, Chennai – 13, residing at No.35, B5/B Block
Jupiter Flat, Rajeev Gadhi Street
Moovarasampet, Chennai – 600 091
Ph.9444831937 ...Applicant

(By Advocate Mr.T.A.Rajan)

versus

1. Union of India represented the Secretary
Government of India, Ministry of Agriculture
Department of Animal Husbandry, Dairying and Fisheries
Krishi Bhavan, New Delhi – 110 001
2. The Director
Central Institute of Fisheries and Engineering Training Unit
Foreshore Road, Kochi – 16
3. The Deputy Director i/c
Central Institute of Fisheries and Engineering Training Unit
Royapuram, Chennai – 13

(By Advocate Mr.A.S.Brijesh,ACGSC)

This application having been heard on 2nd March 2021, this Tribunal on the same day delivered the following :

ORDER(ORAL)

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

The applicant submits that he is now working as Senior Instructor (ME) in the CIFNET, Chennai Unit. He is aggrieved by the re-fixation of his pay based on an audit objection from the date of promotion of Senior

Instructor (ME) i.e, on 21.8.2012, by which his pay has been reduced from Rs.21110+GP Rs.5400/- to Rs.20360 +GP Rs.5400. Hence the applicant has approached this Tribunal praying for the following reliefs:

“ I. *Call for the records leading to Annexure A8 order and set aside it.*

II. *Declare that the re-fixation of the pay of the applicant in Annexure A8 order is arbitrary and illegal.*

III. *Direct the second respondent to consider and dispose of Annexure A9 appeal within a time stipulated by this Hon'ble Tribunal.*

IV. *Award costs of and incidental to this application.*

V. *Grant such other relief, which this Hon'ble 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 respondents had replied that they cannot consider waiver of the recovery since the matter is under subjudice. According to him, the applicant has given a representation as Annexure A-9 in this regard and it is still pending with the competent authority. It is also submitted that the respondents had earlier waived various recoveries as per Annexure A-10 order in similar cases and the applicant is also a similarly situated person. Counsel for the applicant submits that the applicant will be satisfied if a direction is issued to the respondents to consider his Annexure A-9 representation , within a time frame, in the light of Annexure A-10 waiver already granted to the similarly situated persons. Learned counsel for the respondents has no objection for considering the same.

3. **In view of the above pendency of the representation, without going into the merits, the competent authority is directed to consider**

Annexure A-9 representation in the light of relevant rules and regulations and also the alleged fact that similarly situated persons have already been granted waiver (Annexure A-10) and pass a reasoned and speaking order within a period of 3 months from the date of receipt of a copy of this order. Till that time, no recovery shall be effected.

4. The O.A 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 order F.No.13-10/93-Adm. Dated 24.10.1994

Annexure A2 – True copy of the order F.No.13-10/93-Adm. Dated 6.7.1995

Annexure A3 – True copy of the order F.No.3-6/2012-Fy Admn/850 . Dated 14.8.2012

Annexure A4 – True copy of the order F.No.13-17/2011-Adm 'C'/806 Dated 27.8.2012

Annexure A5 – True copy of the order F.No.35-2/2009-Adm. Dated 30.11.2009

Annexure A6 – True copy of the order No.PF-355/Adm. Dated 14.12.2009

Annexure A7 – True copy of the office order F.No.PF 355/Adm. Dated 3.9.2012

Annexure A8 – True copy of the office orderno.PF 355Adm. Dated 1.7.2019

Annexure A10 – True copy of the order No.1-3/2007-Adm. Dated 29.10.2018

Annexure R2(a) - True copy of the Office Order No.PF-355/Adm dated 12.7.2019

Annexure MA1 - True copy of the memorandum bearing No.PF 355/Adm dated 1.2.2021

Annexure MA2 - True copy of the order bearing No.PF 355/Adm dated 4.2.2021

Annexure MA3 - True copy of the appeal dated 10.2.2021 submitted by the applicant

Annexure MA 4 - True copy of the office memorandum bearing No.PF/355/Adm dated 18.2.2021.

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