

**Central Administrative Tribunal  
Ernakulam Bench**

**O.A No.181/00474/2021**

Tuesday, this the 28<sup>th</sup> day of September, 2021

**CORAM:**

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

D. Mohamed Manikfan, Aged 61,  
S/o.(Late) Donmanikfan, Executive Engineer (Retired),  
Residing at 6/41.B DIVEHI, Vadakkemullapalliparamba,  
Thambi Road, Beypore- Calicut- 673 015. -

Applicant

(By Advocate: Mr.P.V. Mohanan)

Versus

1. The Administrator,  
Union Territory of Lakshadweep,  
Kavarathy- 682 555.
2. The Superintending Engineer,  
Lakshadweep Public Works Department,  
Circle Office, Kavarathy- 682 555. -

Respondents

(By Advocate: Mr.S. Manu)

The O.A having been heard on 28<sup>th</sup> September, 2021 through video conference, this Tribunal delivered the following order on the same day:

**O R D E R (ORAL)**

**P.Madhavan, Judicial Member**

This Original Application has been filed by the applicant seeking the following reliefs:

*“(a) To direct the respondents to award the monetary benefits of third financial up- gradation under the Modified Assured Career Progression Scheme to the applicant in the Grade Pay of Rs. 7600/- w.e.f 28.09.2015 on completion of 30 years of service in Lakshadweep Public Works Department and to re-fix the pay w.e.f 28.09.2015 and to re-fix pensionary benefits*

*w.e.f. 1.11.2017 after re-fixing the pay and disburse the arrears forthwith;*

*(b) To direct the respondents to consider and dispose of the representations at Annexure A5, Annexure A7 and Annexure A9 adverting to Annexure A2 judgment and to grant the financial benefits due to the applicant w.e.f. 28.09.2015;*

*(c) Any other appropriate order or direction as this Hon'ble Tribunal deems fit and cost of the application. "*

2. Brief facts of the case are as follows:

The applicant started off his service as Junior Engineer (GP of Rs.4200/-) in Lakshadweep Public Works Department on 28.09.1985 and he was further promoted to the post of Assistant Engineer (GP of Rs.4600/-) w.e.f. 27.01.1999. He was granted 2<sup>nd</sup> MACP w.e.f. 01.09.2008 in the GP of Rs.4800/-. Later he was promoted as Executive Engineer (GP of Rs.6600/-) on ad-hoc basis on 23.07.2015. He was not granted any pay fixation but only the difference of GP (i.e, Rs.1800/-). He is entitled to get the financial benefits of 3<sup>rd</sup> MACP on completion of 30 years of service in the GP of Rs.7600/- w.e.f. 28.09.2015. Despite repeated representation, no final decision has been taken. Hence, this OA is filled.

3. When the matter came up for consideration, it appears that Annexure A9 representation is still pending before the respondents and no action has been taken so far. It appears that the Vigilance Clearance Certificate is also furnished as per Annexure A10 and if the representation is disposed of, the matter can be settled.

4. Adv.Mr.S. Manu takes notice on behalf of the respondents and submits that he has no objection in disposal of the representation.

5. In view of the above submission, without going into the merits, **we direct the competent authority to consider Annexure A9 representation in the light of the relevant rules and regulations, the Vigilance Clearance Certificate and the decision of the Hon'ble High Court in Annexure A2 and pass a speaking and reasoned order within a period of three months from the date of receipt of a copy of this order.**

6. The Original Application is disposed of as above at the admission stage itself.

No costs.

**(K.V.Eapen)**  
**Administrative Member**

**(P.Madhavan)**  
**Judicial Member**

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**List of Annexures**

Annexure A1 - True copy of the Office Memorandum No 35034/3/2008-Estt. (D) dated 19.5.2009.

Annexure A2 - True copy of the judgment in OP(CAT) No 289/2019 dated 4.12.2019.

Annexure A3 - True copy of the representation dated 28.9.2015.

Annexure A4 - True copy of the letter F.No 01/01/2016 -B2/2225 dated 4.9.2017.

Annexure A5 - True copy of the representation dated 22.2.2018.

Annexure A6 - True copy of the Letter F. No 2/6/2013-C1/864 dated 15.4.2019.

Annexure A7 - True copy of the representation dated 17.8.2019.

Annexure A8 - True copy of the Letter F. No 2/1/2014-C1/1997 dated 17.9.2019.

Annexure A9 - True copy of the representation dated 22.6.2020.

Annexure A10 - True copy of the Order.F. No 3/3/2020-CVC/23 Dated 31.1.2012.

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