

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.181/00304/2021

Monday, this the 12th day of July, 2021

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member

Hon'ble Mr.K.V.Eapen, Administrative Member

A.M. Fathima Manica,
Aged 59 years,
W/o Late. Moosa,
Assistant Engineer, LPWD,
Agatti, Lakshadeep. - 682553
Residing at Alimagmigothi,
Aloodi Village, Minicod Island,
Lakshadweep- Ph: 9447610519 - Applicant

(By Advocate: Mrs. Shameena Salahudheen & Shabana.R)

Versus

1. Administrator,
Union Territory of Kavaratti,
Lakshadweep- 682555
2. Superintending Engineer
LPWD, Circle Office,
Kavaratti-682555.
3. The Secretary (Works)
PWD, Union Territory of Lakshadweep - Respondents

(By Advocate: Mr. S Manu)

The O.A having been heard on 12th July, 2021 through video conferencing, this Tribunal delivered the following order on the same day:

ORDER (ORAL)

P.Madhavan, Judicial Member

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

“I) Direct the respondents to grant the 2nd and 3rd MACP's and all other consequential financial benefits including sanctioning of increments to the applicant immediately before the retirement.

II) Direct the respondents to consider Annexure A13 and pass appropriate orders as expeditiously as possible within a time frame fixed by this Hon'ble Tribunal.

III) Declare the applicant is entitled to be granted the financial upgradations (2nd and 3rd MACP's), with effect from the date of her eligibility.

IV) Direct the respondents to pay interest for the delayed payment.

V) Such other reliefs as may be prayed for and this Tribunal may deem fit to grant.

VI) Grant the cost of this Original Application. ”

2. The brief facts of the case are as follows:

Applicant joined in service as Junior Engineer under the Lakshadweep PWD on 5/10/1987. Applicant received her 1st ACP on completion of 10 years. Applicant submits that she became eligible for her 2nd MACP w.e.f 01/09/2008. She was promoted as Assistant Engineer grade on April 2010. Even after promotion she was not granted her 2nd MACP. The applicant is aggrieved by non granting of 2nd and 3rd MACP's in spite of her repeated request. Hence the applicant has approached this Tribunal praying for the above reliefs.

3. When the matter came up for consideration, counsel for the applicant submits

that applicant has given Annexure A13 representation on 29/04/2021 and it is pending before the respondents and the applicant will be satisfied if the same is considered and disposed of by the respondents within a time frame.

4. Adv. Mr. S Manu takes notice on behalf of the respondents and submits that he has no objection in disposing of the applicant's representation if the applicant gives a representation to respondent no.3 who is the competent authority.

5. *In view of the limited relief now sought, the applicant is directed to file a comprehensive representation before the Competent Authority, Secretary (Works), PWD, Union Territory of Lakshadweep within a period of two weeks. The competent Authority is directed to consider such representation and pass a speaking order based on relevant rules, regulations and facts of the case within a period of six weeks from the date of receipt of a copy of such representation.*

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

List of Annexures

- Annexure A 1: A true copy of the representation made by the applicant to the 2nd respondent dated 30/08/2012.
- Annexure A 2: A true copy of the application submitted by the applicant under the RTI, Act 2005, dated 15/3/2016.
- Annexure A 3: A true copy of the Reply received under the RTI Act.
- Annexure A 4: A true copy of the representation dated 16/8/2016 submitted by the applicant.
- Annexure A 5: A true copy of the request submitted by the applicant to the 2nd respondent on 19/1/2017.
- Annexure A 6: A true copy of the request submitted by the applicant to the 2nd respondent on 26/5/2017.
- Annexure A 7: A true copy of the communication issued by the 2nd respondent with communication No. F.No.7/1/2015-C1 dated 13.06.2017.
- Annexure A 8: A true copy of the request submitted by the applicant to the 2nd respondent, dated 7/7/2017.
- Annexure A 9: A true copy of the Office Memorandum issued by the respondent, F.No. 2/2/2015-C1 dated, 20/07/2018
- Annexure A 10: A true copy of the representation submitted through proper channel before the 1st respondent dated 14/6/2019.
- Annexure A 11: A true copy of the request submitted by the applicant to the 1st respondent, dated 14/1/2020
- Annexure A 12: A true copy of the request submitted by the applicant to the 1st respondent dated 8/7/2020.
- Annexure A 13: A true copy of the representation made by the applicant to the 1st respondent dated 29.04.2021.

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