

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. No. 429 of 1994.

Monday this the 2nd day of January 1995.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR S.P. BISWAS, ADMINISTRATIVE MEMBER

D.H. Khan,
Chief Engineer Grade-II,
Matsya Sugandhi,
Fishery Survey of India,
Kochangady-Cochin-5. .. Applicant

(By Advocate Shri V.R. Ramachandran Nair) Vs.

1. Union of India represented by
Secretary, Ministry of Food
Processing Industry,
New Delhi.
2. The Director General,
Fishery Survey of India,
Sir P.M. Road,
Botawala Chambers,
Bombay-1.
3. The Zonal Director,
Fishery Survey of India,
Kochangadi-Cochin-5. Respondents

(By Advocate Shri C. Kochunni Nair, SPC)

ORDER

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicant who was a Senior Deck Hand under respondents in the scale of Rs.975-1540, was appointed on an ad hoc basis as Chief Engineer Grade II in the scale of Rs.2375-3500. On the strength of this unusual event, he seeks a direction to regularise his services as Chief

Engineer in the scale of Rs.2375-3500. Consequential reliefs are also prayed for.

2. Admittedly, applicant is not in the feeder category. Ordinarily he could never have been appointed as Chief Engineer Grade II. Standing Counsel submits that applicant should have known this. Then respondents should also have known this. It is unusual to see an official in the scale of Rs.975-1540 being promoted to the scale of Rs. 2375 - 3500. But such unusual aberrations cannot vest any legally enforceable right in applicant. At once, respondents cannot wash their hands off in a situation like this, where they had granted appointment, and where applicant had discharged the duties of the post. How this situation should be handled is a matter for respondents i.e. Union of India, to decide. They will look into the circumstances of the case and pass appropriate orders. If any promotion has been improperly ordered, the question whether action should be taken against those who ordered the promotion, will be considered. Whether applicant should be compensated in any manner, for the work done by him will also be considered by the department. A final decision in the matter will be taken positively within six months from today, by passing a reasoned order and that order will be communicated to the applicant.

3. We dispose of the application with the aforesaid directions. No costs.

Monday this the 2nd day of January, 1995.



S.P. BISWAS
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN