

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.440/99

Monday this the 19th day of April, 1999.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. B.N. BAHADUR, ADMINISTRATIVE MEMBER

M.K. Hamza,
Drawing Teacher,
Government High School,
Minicoy Island,
Union Territory of Lakshadweep.

...Applicant

(By Advocate Mr. M.V.Thamban)

vs.

1. The Administrator,
Union Territory of Lakshadweep,
Kavaratti.
2. The Director of Education,
Union Territory of Lakshadweep,
Kavaratti.
3. The Union of India, represented by
the Secretary,
Ministry of Human Resources Development,
Department of Education,
New Delhi.

...Respondents

(By Advocate Mr. S.Radhakrishnan)

The application having been heard on 19.4.99, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant is a Drawing Teacher appointed in the year 1973 in relaxation of the qualification prescribed in the Recruitment Rules with a special condition that unless he acquires the qualification prescribed, he would not be entitled to increments. His grievance is that despite lapse of several years, he is not being granted increments. According to the applicant, in the case of many other

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teachers appointed in relaxation of the Recruitment Rules as a special case benefit of increments have been extended and therefore, the action of the respondents in not extending to the applicant the same benefit is arbitrary and irrational. The applicant has made three representations (A6 to A8) to the first respondent but without any response. It is under these circumstances that the applicant has filed this application seeking the following reliefs:

- (i) to issue a declaration that the applicant is entitled to increment benefits from the date he completed 8 years of service as in the case of Arabic Teachers in Annexure.A.4.
- (ii) Alternatively to declare that the applicant is entitled to the increments benefits atleast from the date he has completed 12 years service.
- (iii) to issue a direction to the respondents to grant increments to the applicant from the date he completed 8 years of service and disburse arrears of salary.
- (iv) to grant such other reliefs as this Hon'ble Tribunal may deem fit to grant in the facts and circumstances of this case and
- (v) to award costs of this proceedings to the applicant."

2. When the application came up for hearing today, learned counsel on either side agree that the

application may be disposed of with a direction to the first respondent to consider the representation submitted by the applicant on 5.10.98 (A8) and to give the applicant an appropriate reply within a reasonable time.

3. In the light of the above submission of the learned counsel on either side, the application is disposed of directing the first respondent to consider the representation of the applicant (A8) and to give the applicant an appropriate reply within a period of two months from the date of receipt of a copy of this order. There is no order as to costs.

Dated the 19th day of April, 1999.

B.N. Bahadur

B.N. BAHADUR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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List of Annexures referred to in the order:

Annexure.A6: True copy of the representation dated 31.3.97 submitted by the applicant before the Ist respondent.

Annexure.A7: True copy of the representation dated July, 1997 submitted by the applicant before the Ist respondent.

Annexure.A8: True copy of the representation dated 5.10.98 submitted by the applicnat before the Ist respondent.

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