

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 461 of 2013

Tuesday, this the 21st day of May, 2013

CORAM:

Hon'ble Dr. K.B.S. Rajan, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

N. Jayaraman, aged 49 years,
S/o. Late Narayanan, Instructor (Fishing Technology),
Central Institute of Fisheries Nautical and Engineering
Training Unit, Roayapuram, Chennai, Residing at
House No. 122, 23rd Cross Street, Hindu Colony,
Naganallur, Chennai-61.

..... **Applicant**

(By Advocate – Mr. T.A. Rajan)

V e r s u s

1. Union of India, represented by Secretary,
Government of India, Ministry of Agriculture,
Department of Animal Husbandry, Dairying and
Fisheries, New Delhi-1.
2. The Director, Central Institute of Fisheries Nautical
and Engineering Training, Foreshore Road, Kochi-16.
3. The Officer-in-Charge, Central Institute of Fisheries Nautical
and Engineering Training Unit, Royapuram, Chennai-13.
4. Dr. S. Balu, Instructor (Fishing Technology),
Central Institute of Fisheries Nautical and Engineering
Training, Foreshore Road, Kochi-16.

..... **Respondents**

(By Advocate – Mr. Sunil Jacob Jose, SCGSC)

This application having been heard on 21.05.2013, the Tribunal on the
same day delivered the following:



ORDER

By Hon'ble Dr. K.B.S. Rajan, Judicial Member -

The applicant was initially appointed as Technical Assistant in 1990 in the pre-revised scale of Rs. 1400-2300/- which under 5th Pay Commission was revised to Rs. 5000-8000/-. Yet another post called Instructor was existing earlier in the pre-revised scale of Rs. 1640-2900/- which was subsequently revised to Rs. 5500-9000/-. While the post of Technical Assistant had no promotional avenue the post of Instructor had Senior Instructor (FI) as a promotional post.

2. As per the recommendations of the 6th Pay Commission there is a merger of pay scale of Rs. 5000-8000/- and Rs. 5500-9000/- and a common Pay Band-2 of Rs. 9300-34,800/- with Grade Pay of Rs. 4200/- had replaced the aforesaid scales of pay. This is effective from 1.1.2006.

3. The post of Senior Instructor as per the Recruitment Rules is to be filled up 2/3rd by way of promotion failing which by deputation and 1/3rd by way of deputation failing which by direct recruitment. Fishing Officer in Pay Band-2 with Grade Pay of Rs. 4600/- and three years experience and Instructor in Pay Band-2 with Grade Pay of Rs. 4200/- and eight years experience are eligible for promotion to the post of Senior Instructor.

4. The 4th respondent joined the post of Instructor in May, 2007. He was shown at serial No. 1 in the seniority list of Instructors vide Annexure A4. The applicant who had been holding the post of Technical Assistant since



1990 and whose designation was changed as Instructor with effect from 11th September, 2009 had been shown at serial No. 4 in the seniority list. The applicant therefore, had penned a representation to consider his case for promotion taking his original date of appointment (1990) for seniority purpose in the grade of Instructor, Annexure A2 refers.

5. The respondents had negatived his request stating that the date of re-designation of the applicant's post being 11.9.2009 he would be junior to those who had joined in May, 2007.

6. The applicant has renewed his request vide Annexure A5 dated 25.3.2013 followed by 23.4.2013. These remained unanswered so far.

Hence, this Original Application seeking the following relief:-

“(i) Call for the records leading to the issue of Annexure A4 seniority list and quash the same as far as the applicant and 4th respondent are concerned.

(ii) Declare that the applicant is senior to the 4th respondent consequent to the re-designation of the posts of Technical Assistant and Instructor to the post of Instructor and further direct the 2nd respondent to revise the seniority of the applicant and 4th respondent accordingly.

In alternative

(iii) Direct the second respondent to consider and dispose of Annexure A5 and A6 representations without further delay.

(iv) Award costs of and incidental to this application.

(v) Grant such other relief, which this Honourable Tribunal may deem fit and proper in the circumstances of the case.”

7. At the time of admission hearing, counsel for the respondents was also present. Since the representations filed by the applicant have not been disposed of and Annexure A3 has also not been challenged, in view of the alternative prayer vide paragraph 8 quoted above, the Tribunal feels it most appropriate to dispose of the OA at the admission stage itself with a direction to the respondents to consider the pending representation of the applicant and dispose of the same within two months from the date of receipt of a copy of this order. Needless to mention that promotion if any, to the post of Senior Instructor shall be considered only after disposal of the aforesaid representation of the applicant.

8. It has been made clear that the Tribunal has not expressed any opinion on the merits of the case. The Original Application is disposed of accordingly. A copy of this order be also sent to the respondent No. 4 by the Registry. No costs.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(DR. K.B.S. RAJAN)
JUDICIAL MEMBER

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