

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 498 of 1991

DATE OF DECISION 10-8-1992

Mr M Aravindakshan Applicant (s)

Mr V Bhaskara Menon Advocate for the Applicant (s)

Versus

Director, CMFRI, Cochin & 2 others Respondent (s)

Mr P Jacob Varghese Advocate for the Respondent (s) 1&2

CORAM :

The Hon'ble Mr. SP MUKERJI, VICE CHAIRMAN

&

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

(Mr AV Haridasan, Judicial Member)

The applicant is a Scientist presently working in the Bombay Research Centre, Central Marine Fisheries Research Institute, Bombay under the Central Marine Fisheries Research (CMFRI for short) Institute, Cochin. CMFRI is an institute under the Indian Council of Agricultural Research. The applicant had made representation claiming promotion to the higher grade of Scientist and for sanctioning advance increment as provided for under Rule 19 of Service Rules for Agricultural Research Services of Indian Council of Agricultural Research. He has in this application filed on 27.3.1991 prayed for the following reliefs:

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- "(a) To quash Annexures A3, A4 and A5 by calling for the records leading to the same.
- (b) Or in the alternative to direct modification of the new scheme comprised as above to allow the system of merit promotion, assessment and cadre unity to survive the ARS system;
- (c) To declare that the applicant is eligible for further promotion and advance increment from 1988 onwards and all attended benefits;
- (d) To issue necessary direction to the 1st respondent to give further opportunity for the applicant in the matter of exercising option for revised of pay in accordance with his communication dated 23.3.1989;
- (e) To pass such other order as this Hon'ble Tribunal may deem fit in the circumstances of the case."

2. The application has been resisted by the respondents and they have filed a detailed reply statement opposing the grant of relief. However, when the application came up for final hearing, the counsel on either side submitted that this application can be disposed of with the same directions as in OA-1677/91 filed by a Scientist in the CPCRI.

3. We have perused a copy of the judgement in OA-1677/91 to which one of us (Judicial Member) was a party. In the above application, the applicant who was a Scientist S-3 had prayed for fixation of pay in the scale of Rs.4500-7300 with effect from the date on which he completed 16 years of ARS service, and for benefits of advance increments etc. ^{The} CPCRI is also an institution ^{ICAR} under the ~~DAIR~~. A case similar to this case was pending before the Principal Bench of the Central Administrative Tribunal as TA-8/90 which was disposed of with a direction to the Director General, ICAR to constitute a High Power Committee consisting of Experts in the field under the Chairmanship of the Chairman ASRB, New Delhi to review the entire scheme of merit promotion as

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contained in ARS Rules 1975 and to take appropriate measures to remove the distortions. It was also directed in the final order that the Committee should invite representations from all concerned to consider the representation before ~~arriving~~ arriving at a conclusion and making the recommendations. While the DA-1677/91 came up for final hearing, the respondents in that application filed a statement indicating that as directed by the Principal Bench of the CAT in the final order in TA-8/90, a High Power Committee would be considering the entire aspects, the grievance of the Scientists including the applicant therein would be considered and resolved and that the application could therefore be disposed of with suitable direction. After hearing the counsel for the parties, DA-1677/91 was disposed of with the observation that the High Power Committee should take into consideration the various grievances projected by the applicant in his representation and that in case the applicant should feel aggrieved by the outcome of the representation, he would be at liberty to initiate appropriate proceedings for proper relief. Since the revision of pay scales under the ARS Rules of all the Scientists under the ~~Q&R~~ would be considered by the High Power Committee, the counsel on either side agreed that the grievances of the applicant also would be considered by the High Power Committee and that it would be appropriate if the application is closed with an observation that if the applicant is aggrieved by ~~the outcome~~ ^{ICAR} the recommendations of the High Power Committee or the ~~outcome~~ thereof, it would

be open for him to initiate appropriate proceedings.

4. In view of the ^{above} facts and circumstances, we close this application with the observation that in case the applicant shall cant / feel aggrieved on the recommendations of the High Power Committee or the decision taken pursuant to that, the applicant would be at liberty to seek appropriate relief in a proceedings instituted in that behalf.

55 There is no order as to costs.


AV HARIDASAN
JUDICIAL MEMBER


SP MUKERJI
VICE CHAIRMAN

10-8-1992

trs

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Contempt Petition (Civil) No.127/93
in O.A.No.498/91

DATE OF DECISION: 13.9.93

M.Aravindakshan .. Petitioner

Versus

1. Dr.V.I.Chopra, Director General
Indian Council of Agricultural Research,
Krishi Bhavan, New Delhi.1. .. Respondent

Mr.V.Bhaskara Menon .. Advocate for petitioner

Mr.P.Jacob Varghese .. Advocate for respondents

CORAM

The Hon'ble Mr.Justice Chettur Sankaran Nair, Vice Chairman

The Hon'ble Mr.R.Rangarajan, Administrative Member.

JUDGMENT

Chettur Sankaran Nair (J), Vice Chairman.

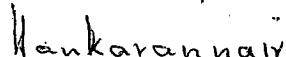
In view of subsequent developments, we consider it unnecessary to pronounce on the merits of this petition. It is stated that the claims of the applicant are receiving consideration by the Indian Council of Agricultural Research. If the petitioner is aggrieved by the decision to be taken by the Indian Council of Agricultural Research, he must seek his remedies then.

2. Petition is disposed of as above. No costs.

Dated the 13th day of September, 1993.



R.RANGARAJAN
Administrative Member



CHETTUR SANKARAN NAIR(J)
Vice Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

C.P. (C) 98/94 in O.A. 498/91

Monday, this the 3rd day of October, 1994

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

M Aravindakshan,
S/o P Narayanan Nair,
Scientist S1,
Bombay Research Centre of Central
Marine Fisheries Research Institute,
Bombay.

- Petitioner

By Advocate Mr V Bhaskara Menon

Vs.

Dr VS Chopra,
Director General,
Indian Council of Agricultural Research,
Krishi Bhavan, New Delhi-1. - Respondent

By Advocate Mr Mathews J Nedumpara, ACGSC

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Learned counsel for petitioner submits that he may be permitted to pursue his remedies in appropriate proceedings and that the Contempt Petition need not be considered now. We record the submission, discharge the notice and dismiss the Contempt Petition as infructuous. No costs.

Dated, 3rd October, 1994.


PV VENKATAKRISHNAN

ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)

VICE CHAIRMAN

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