

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.510 OF 2005

Wednesday, this the 24th day of May, 2006.

CORAM :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

G.Hassan Manikfan
Director
Central Institute of Fisheries,Nautical & Engineering Training
(CIFNET), Fine Arts Avenue, Cochin
Residing at : Quarter No.7, Integrated Fisheries Project Living
Campus, Fine Arts Avenue, Cochin – 16 : Applicant

(By Advocate Mr.Shafik.M.A.)

Versus

1. Union of India represented by Secretary
Department of Personnel & Training
Ministry of Personnel, Public Grievances & Pensions
New Delhi
2. The Secretary to the Government of India
Department of Animal Husbandry, Dairying and Fisheries
Ministry of Agriculture
New Delhi : Respondents

(By Advocate Mr. Thomas Mathew Nellimoottil)

The application having been heard on 24.05.2006, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant herein who was working as Director, Integrated Fisheries Project, in addition to his duties as Director, CIFNET is aggrieved by the refusal of the respondents to grant him additional pay for holding

charge of the post of Director, Integrated Fisheries Project. The applicant had made representations in this regard which had been rejected by Annexures A-1 and A-2 orders. The reason for rejecting his request is that it is not covered under provisions of FR 49 (iii). Earlier, one Dr.C.P.Varghese who was Director, CIFNET was allowed the additional charge of 10% of pay in addition to his salary, after pointing out that fact, his representation was not considered. Again in the year 2004, the applicant made a comprehensive representation which was also rejected by the order at Annexure A-8. The latest representation dated 18.01.2005 was also rejected stating that he was holding two posts in the same pay scale. As series of representations for the last five years have been rejected the applicant has filed this Original Application.

2. The respondents have filed reply statement and submitted that there are existing instructions that for payment of additional pay beyond a period of three months, the matter was to be referred to DOPT and DOPT had carried out detailed examination of the case and stated that he is not eligible for additional pay under FR 49 (iii). It was also clarified that in the case of Dr.C.P.Varghese, additional remuneration was granted without consulting the DOPT. Respondents have further submitted that DOPT who had earlier rejected the proposal for grant of additional remuneration have now re-examined the case and came to a stand that since both the posts are not in the same office cadre, he may be allowed the additional remuneration of 10% of the basic pay. The Department have further submitted that in order to grant him this payment, the post needs to be revived as the post is lying vacant for more than one year since April,

2000. The learned counsel for respondents sought time of six months for revival of the post and payment thereon.

3. The applicant has filed rejoinder stating that the post of Director, Integrated Fisheries Project is not lying vacant since April, 2000. By Annexure A-11 order, the applicant himself was given the full additional charge of the post of Director with effect from 03.04.2000. By Annexure A-12 order, the applicant was reverted to his substantive post only on 11.01.2005. Annexure A-13 was also issued on 21.02.2006 placing the Deputy Director, Integrated Fisheries Project in full additional charge of the post of Director, IFP. It all shows that the post was not lying vacant for the entire period from 2000 onwards.

4. We have heard the learned counsel on both sides. The learned counsel for applicant has taken us through the documents which would conclusively disclaim the stand of the respondents that the post of Director, IFP is lying vacant from the year 2000 and has now to be revived after the approval of the Ministry of Finance. It is unfortunate that such incorrect statements are made by the respondents amounting to misleading the Court and the offices who file reply statements on behalf of the Department should exercise due care in making such statements only after proper verification. Now the respondents have stated that they are agreeable to the payment of additional charge to the applicant, and only asked for six months time which has also expired, there is nothing more to be adjudicated. We, therefore, declare that the applicant is entitled for 10% additional remuneration as additional pay for holding the

charge of Director, IFP in addition to his duties as Director, CIFNET and direct the 2nd respondent to make immediate payment of such additional remuneration from 19.08.2002 till the date of his relief.

5. The Original Application is disposed of as above. No order as to costs.

Dated, the 24th May, 2006


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

VS