

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.65/97

Tuesday this the 3rd day of June, 1997

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

V.A.Uthaman,
Senior Deckhand,
Central Institute of Fisheries Nautical
and Engineering Training (CIFNET)
Dewan's Road, Kochi.16. .. Applicant

(By Advocate Mr. T.A.Rajan)

- Vs.
1. Union of India represented by the
Secretary, Ministry of Agriculture,
New Delhi.
 2. The Director
Central Institute of Fisheries Nautical
and Engineering Training (CIFNET)
Dewan's Road, Kochi.16. .. Respondents
 3. VN Bhaskaran, Sr.Deckhand, CIFNET,
Kochi.16.

(By Advocate Mr.TPM Ibrahim Khan.R.1&2)

The application having been heard on 3.6.1997, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant who has been working as Senior
Deckhand in the CIFNET with effect from 1.10.79 and has
been officiating as Bosun intermittently since 1986 is
aggrieved as the official respondents failed to appoint
him on a regular basis as Bosun despite existence of the
vacancies and the fact that going by the Recruitment Rules
he is eligible and qualified to be so appointed. He has
filed this application for a declaration that non-filling
of the existing regular post of Bosun is illegal and for a
direction to the respondents 1&2 to fill up the vacancies
of Bosun without delay duly considering the applicant's
qualifications, experience and seniority with all

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consequential benefits. In the application he has alleged that Senior Deckhand cum Cook is not an equivalent post to that of Senior Deckhand and therefore the stand taken by the official respondents that Senior Deckhand cum Cook is also entitled for appointment as Bosun counting seniority from the date of appointment as Senior Deckhand cum Cook is wholly unjustified. Shri VN Bhaskaran who has been appointed as a Senior Deckhand cum Cook in the year 1980 has got himself impleaded as additional third respondent claiming that if the reliefs as prayed for in this application are granted his interests are likely to be prejudiced.

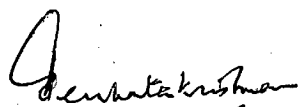
2. The respondents in their reply contend that there is at present no regular vacancy in the post of Bosun in existence, that the applicant as well as Shri VN Bhaskaran were appointed intermittently to officiate as Bosun as and when a vacancy existed, that Senior Deckhand cum Cook and Senior Deckhand are posts in the identical grade and that both these categories of officials according to the Recruitment Rules are eligible for consideration to the post of Bosun on the basis of their seniority in the identical grades. The respondents also have stated that the vacancies in the post of Bosun as and when arise will be filled up by the official respondents strictly following the Recruitment Rules.

3. When the matter came up for hearing today, learned counsel for the applicant stated that since the respondents have stated that the vacancy of Bosun would be filled up as and when it arises according to the

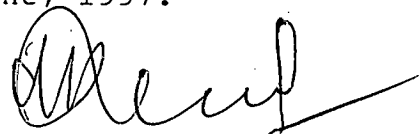
Recruitment Rules the applicant would be satisfied if a direction is given to do so without undue delay. The statement in the reply of the respondent that the Senior Deckhand cum Cook is as much eligible for being considered for promotion as Senior Deckhand is not disputed by the applicant in the rejoinder. Further this fact is born out by the Recruitment Rules, a copy of which has been produced as Annexure.R.2(c) in the application. Hence the claim of the applicant that the Senior Deckhand cum Cook is not eligible for consideration on par with Senior Deckhand for promotion to the post of Bosun is only to be rejected.

4. In the light of what is stated above and in view of the submission of the learned counsel for the applicant, the application is disposed of with a direction to the official respondents that as and when regular vacancies in the post of Bosun arise, the same shall be filled up without undue delay by considering those who are eligible strictly in accordance with the Recruitment Rules. No order as to costs.

Dated the third day of June, 1997.



P.V.VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN

ks.

LIST OF ANNEXURE

- 11 Annexure-R2(C): True copy of the Recruitment Rules No. 1+13/69-Fy(I)/Admn. dated 24.2.1977 issued by the Ministry of Agriculture & Irrigation, New Delhi.

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