

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA NO.65/2008

Thursday the 31st day of January, 2008.

CORAM:

HON'BLE SHRI GEORGE PARACKEN, JUDICIAL MEMBER

A.V.Pushkaran,
E.D.Class I, CIFNET, Kochi – 16
Residing at
Achencheril House, Nanthiattukunnam,
N.Paravoor PO,Ernakulam.

... Applicant

By Advocate Mr. Santhalingam

V/s.

- 1 Union of India,
rep. by Secretary to Government of India,
Ministry of Agriculture,
Department of Animal Husbandry,
Dairying and Fisheries,
New Delhi.
- 2 The Director,
Central Institute of Fisheries Nautical
and Engineering Training (CIFNET),
(Dept. of Animal Husbandry Dairying
& Fisheries),
Foreshore Road, Cochin – 16.
- 3 The Director,
Integrated Fisheries Project, Kochi-16.
- 4 The Director General,
Fishery Survey of India, Mumbai.
- 5 The Zonal Director,
Fishery Survey of India, Kochi. ... Respondents.

By Advocate Mr. Shaji V A for Mr. TPM Ibrahim Khan SCGSC.



The application having been heard on 31.1.2008 the Tribunal on the same day delivered the following

(ORDER)

Hon'ble Shri George Paracken, Judicial Member

The applicant has filed the present OA aggrieved by the Annexure A-2 Office Order dated 25.1.2008 issued by the Respondent no.2, namely, The Director, Central Institute of Fisheries Nautical and Engineering Training (CIFNET), (Dept. of Animal Husbandry Dairying & Fisheries), Foreshore Road, Cochin – 16 with reference to his representation dated 21.2.2007 and 31.7.2007 seeking for promotion to the post of Chief Engineer Gr.II in Fishery Survey of India conveying the approval of the competent authority to transfer the post of Engine Driver Cl.I in CIFNET alongwith the incumbent to the Fishery Survey of India, Mumbai.

2 The applicant has submitted that while he was making his representation dated 21.02.2007 and 31.07.2007 as referred to in the said Annexure A 2 Office Order, he was under the bonafide belief that he would be considered for promotion against the vacant post of Chief Engineer Gr.II available in CIFNET, Cochin or in Fishery Survey of India, Bombay directly. Since he is due to retire by May, 2009, he has submitted that he is not interested to be transferred to Mumbai in the same capacity as Engine Driver Cl.I in anticipation of his promotion as Chief Engineer Gr.II.. He has, therefore, expressed his willingness to forgo his promotion as Chief Engineer Gr.II at Fishery Survey of India, Mumbai. and to remain in his present post at Cochin.



3 The respondents' counsel, on instruction, submitted that for promotion to the post of Chief Engineer Gr.II, experience as Fishing Vessel Engineer is essential and since the applicant does not have the same he cannot be considered for the post of Chief Engineer Gr.II, straight away..

4 I have heard and considered the submissions made by the Counsels for parties. Since the Annexure A 11 order of transfer was issued with the approval of the Competent Authority, namely, Secretary to Government of India, Ministry of Agriculture, Department of Animal Husbandry, Dairying and Fisheries, New Delhi (Respondent no.1) the applicant may make a representation to the same authority within a period of one week from the date of receipt of this order stating his difficulties in accepting the post of Engine Driver Cl.I in the Fishery Survey of India, Mumbai as a pre-condition for his promotion as Chief Engineer Gr.II. On receipt of the representation, the Respondent no.1 shall consider the same and dispose it of by a speaking order and convey the same to the applicant. Till such time, the Annexure A-2 Office Order dated 25.1.2008 shall be kept in abeyance. With the above direction, the OA is disposed of. There shall be no orders as to costs.


(GEORGE PARACKEN)
JUDICIAL MEMBER

abp