

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 81 OF 2013

Wednesday, this the 20th day of February, 2013

CORAM:

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

Mahadev R Kokane
Senior instructor (Seamanship & Navigation)
Central Institute of Fisheries Nautical and Engineering
Training Unit, Chennai, No.59, S.N.Chetti Street
Chennai – 600 013
Residing at New No.4 (Old No.38)
Flat – C, Abhit Nagar, Choolai Medu
Chennai – 600 094

(By Advocate Mr. TCG Swamy)

versus

1. Union of India represented by the Secretary
to the Government of India
Ministry of Agriculture
Department of Animal Husbandry, Dairying & Fisheries
Krishi Bhavan, New Delhi – 110 001
2. The Director
Central Institute of Fisheries Nautical and Engineering
Training (CIFNET)
Ministry of Agriculture, Kochi – 16
3. Union Public Service Commission
New Delhi represented by its Secretary ...

Respondents

(By Advocate Mrs.Jishamol Cleetus, ACGSC (R1&2)
Advocate Mr.Thomas Mathew Nellimootil (R-3))

The application having been heard on 20.02.2013, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The grievance of the applicant is that the respondents have failed to give him the benefit of appointment from the date on which the appointment actually fell due. The applicant is a holder of a Degree of Bachelor of Fishery Science and Master of Fisheries Science. He was

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initially appointed under the Government of India as a Scientific Assistant in the Fishery Survey of India, also a subordinate office of the Ministry of Agriculture, Department of Animal Husbandry, Dairying & Fisheries. While working so, he was selected by direct recruitment and appointed as a Junior Fishing Gear Technologist in the year 2004. That was also in the Fishery Survey of India. While so, a notification was issued by the UPSC inviting application for the post of Senior Instructor (Fishing) in the CIFNET. Annexure A-1 is the true copy of the notification. It is contended that the vacancy is reserved for SC Community. The applicant belongs to the said community and stated to have fulfilled all the requisite conditions and his name was shortlisted and his name was called for the interview. In the select list, however one Shri Ranjith Ganapathy was recommended. This was challenged before the Madras Bench of the Tribunal in OA 499/2006 and the Tribunal after detailed consideration of the issue, the appointment of Shri Ranjith Ganapathy was set aside. Annexure A-3 is the copy of the order. The applicant being the next in the order of merit in the select list was issued an appointment order consequent upon the cancellation of appointment of Shri Ranjith Ganapathy. The applicant joined the new post on 08.06.2009. According to the applicant, all others included in the Annexure A-2 list were appointed immediately after Annexure A-2 in June, 2006. But for the wrong appointment of Shri Ranjith Ganapathy, the applicant would have been appointed as in the case of others in June, 2006. But the applicant happened to be appointed only after the cancellation of the appointment of Shri Ranjith Ganapathy . The applicant claims that he should have been appointed retrospectively the date on which the vacancy fell due. Annexures A-6 and A-7 are the representations filed not yet disposed of. Hence he has filed this OA.



2. In the view we are taking it is not necessary to wait for the reply of the respondents since Annexures A-6 and A-7 are pending consideration before the 1st respondent. It is only appropriate in the first instance to consider the issue and take a decision in the matter. Accordingly, we direct the 1st respondent to consider and dispose of Annexure A-7 read with Annexure A-6 representation as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this order. The decision shall be communicated to the applicant.

3. OA is **disposed of** as above. No costs.

Dated, the 20th February, 2013.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R.RAMAN
JUDICIAL MEMBER

VS