

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.90/04

Friday this the 6th day of February 2004

C O R A M :

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

V.S.Jayalakshmi,
Technical Assistant,
Directorate of Cashewnut &
Cocoa Development
Keral Bhavan
Kochi.

Applicant

(By Advocate Ms.K.Indu)

Versus

1. Union of India represented by
its Secretary, Ministry of Agriculture,
Department of Agriculture & Cooperation,
Krishi Bhavan, New Delhi.
2. The Director,
Directorate of Cashewnut &
Cocoa Development, Kerala Bhavan,
Kochi - 682 011.

Respondents

(By Advocate Mr.R.Prasanthkumar,ACGSC)

This application having been heard on 6th February 2004
the Tribunal on the same day delivered the following:

O R D E R

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

The grievance of the applicant who is presently working as Technical Assistant in the Directorate of Cashewnut & Cocoa Development, Kochi is that while the post of Statistical Assistant and the post of Technical Assistant carried identical pay scales prior to the revision of the pay scale, by A-3 order, the scale of Statistical Assistant was revised and upgraded whereas the scale of Technical cadre of the applicant's category was not revised although the recruitment qualifications of these two posts were similar and that the claim of the applicant for upgradation of the post of Technical Assistant on par with Statistical Assistant is remaining not attended to. The applicant had made a representation (Annexure A-4) to the 2nd

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respondent on 2.7.03. Finding no response, the applicant has filed this application praying for a direction to the respondents to place the applicant in the scale of Rs.5000-8000 with effect from 1.1.96 with consequential benefits.

2. When the application came up for hearing, Sri R.Prasanthkumar, ACGSC, appeared for the respondents.

3. We have heard the learned counsel of the parties on the question of admission. The learned counsel for the respondents states that the matter is barred by limitation and it is not a matter for which an application under Section 19 of the Administrative Tribunals Act would lie.

4. The question of limitation does not arise in this case. The category of Statistical Assistants who were in scale similiar to that of Technical Assistant had been given a higher pay scale by A-3 order dated 25.4.2000 and the applicant's claim for identical pay scale made through his representation on 2.7.03 has not been considered. So the application is within time. However the second respondent to whom the representation was made does not have the competence to upgrade the pay scale.

5. Considering the facts and circumstances of the case, we are of the considered view that the application can be disposed of permitting the applicant to make a detailed representation to the first respondent regarding the claim for upgradation of pay scale and with a direction to the first respondent to dispose of the representation giving the applicant a speaking order.



6. In the result, the application is disposed of permitting the applicant to make a detailed representation to the first respondent within 3 weeks and directing the first respondent that if such a representation is received, the same shall be considered in the light of the facts and circumstances of the case, and the rules and instructions on the subject and to give the applicant a speaking order within 3 months from the date of receipt of representation.

Dated 6th Feb. 2004.

H.P.DAS
H.P.DAS
ADMINISTRATIVE MEMBER

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A.V. HARIDASAN
VICE CHAIRMAN