

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**O.A.No.91/2007
Dated the 16th day of July, 2008**

CORAM :

**HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE DR.K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

M.K.Nallakoya
Veterinary Attendant,
Lakshadweep Office,
Indiragandhi Road,
Willington Island, Kochi-3.

... Applicant

By Advocate Mr.E.S.M.Kabeer(absent)

V/s

- 1 The Administrator,
Union Territory of Lakshadweep,
Kavaratti.
- 2 The Director,
Animal Husbandry,
Union Territory of Lakshadweep,
Kavaratti. ... Respondents

By Advocate Mr.S.Radhakrishnan

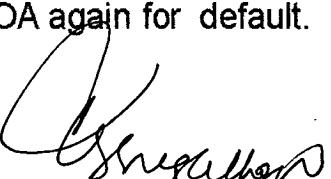
This application having been heard on 16th July, 2008, the Tribunal on the same day delivered the following

(ORDER)

Hon'ble Mr.George Paracken, Judicial Member

This OA was earlier dismissed for default on 20.11.2007. However, on the basis of MA-916/07 filed by the applicant's counsel, OA was restored and posted for hearing. Today also neither the applicant nor his counsel is present.

In view of the above position, we are constrained to dismiss
this OA again for default. There shall be no orders as to costs.



DR.K.S.SUGATHAN
ADMINISTRATIVE MEMBER
abp



GEORGE PARACKEN
JUDICIAL MEMBER

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.91/07

Tuesday this the 26th day of August 2008

C O R A M :

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Dr.K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

M.K.Nallakoya,
S/o.Alimapura Moosa,
Veterinary Attendant, Lakshadweep Office,
Indira Gandhi Road, Willington Island, Kochi – 3.Applicant

(By Advocate Mr.E.S.M.Kabeer)

Versus

1. The Administrator,
U.T of Lakshadweep, Kavaratti.
2. The Director,
Animal Husbandry,
Union Territory of Lakshadweep, Kavaratti.Respondents

(By Advocate Mr.S.Radhakrishnan)

This application having been heard on 26th August 2008 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is working as Veterinary Attendant under the Lakshadweep Administration. He was initially appointed as a Milk Man with effect from 29.4.1980 in the scale of pay of Rs.196-232/- . After the recommendation of the 4th Pay Commission he was granted the replacement scale of Rs.750-940/- and his pay was fixed at Rs.822/- with effect from 1.1.1986. Again, as per the recommendations of the 5th Pay



.2.

Commission he was given the replacement scale of Rs.2610-3540/- and his pay was fixed at Rs.2970 with effect from 1.1.1996. He was also granted the 1st ACP in the scale of pay of Rs.2650-4000/- with effect from 9.8.1999.

2. The applicant submitted the Annexure A-2 representation dated 17.6.2006 to the respondents stating that his pay with effect from 1.1.1996 itself should have been in the scale of Rs.2650-4000 and he should have been given the 1st ACP in the pay scale of Rs.2750-4400 with effect from 9.8.1999. He, therefore, contended that he is entitled to get the 2nd ACP in the pay scale of Rs.3050-4590/-. Since the aforesaid representation was not disposed of, he filed the present O.A seeking a direction to the respondents to grant him the pay scale of Rs.3050-4590 with retrospective effect from 1.1.1996.

3. The respondents in their reply statement admitted that the applicant was initially appointed in the pay scale of Rs.196-232/- and he was given the replacement scale of Rs.750-940/- with effect from 1.1.1986 and again the scale of pay of Rs.2610-3540/- with effect from 1.1.1996. However, their contention was that the applicant has already got the 1st ACP in the scale of pay of Rs.2650-4000/- with effect from 9.8.1999 under the Assured Career Progression Scheme and his entitlement for the 2nd ACP is only in the scale of pay of Rs.2750-4400/-.

.3.

4. We have heard Ms.K.M.Amina Beevi on behalf of Mr.E.S.M.Kabeer for the applicant and Mr.S.Radhakrishnan for the respondents. In the O.A the applicant has not made any justification for grant of the scale of pay of Rs.3050-4590 as the 2nd ACP scale. The applicant has only submitted that his pay as on 1.1.1996 should have been fixed in the pay scale of Rs.2650-4000/- and, therefore, his 1st ACP should have been in the pay scale of Rs.2750-4400/-. If that was so, he would have got the 2nd ACP in the pay scale of Rs.3050-4590/-.

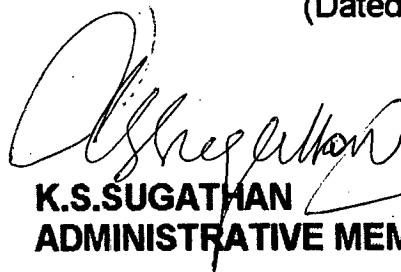
5. We do not find any merit in the aforesaid contention of the applicant. It is an admitted fact that the applicant was in the scale of pay of Rs.196-232/- at the time of his appointment as Milk Man on 29.4.1980. Subsequently he was given the replacement scales on the recommendations of the 4th and 5th Pay Commission with effect from 1.1.1986 and 1.1.1996 in the pay scale of Rs.750-940/- and Rs.2610-3540/-. According to the Assured Career Progression Scheme for the Central Government civilian employees issued by Government of India, Department of Personnel & Training, O.M.No.35034/1/97-Estt.(D), dated 9.8.1999, the next standard pay scale applicable to the applicant is Rs.2650-4000 and he was granted the same with effect from 9.8.1999. The respondents have rightly submitted that the next scale of pay is Rs.2750-4400/- and the applicant is entitled to his 2nd ACP in the said scale.



.4.

6. In the above facts and circumstances of the case, we dispose of the O.A with a direction to the respondents to grant the applicant the 2nd ACP in the pay scale of Rs.2750-4400 from the due date, if he is otherwise eligible, in accordance with the rules, ^{and} if it has not already been granted to him. This order shall be complied with within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

(Dated this the 26th day of August 2008)



K.S.SUGATHAN
ADMINISTRATIVE MEMBER



GEORGE PARACKEN
JUDICIAL MEMBER

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