

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.102/2000.

Thursday this the 22nd day of November 2001.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Devika P.P.,  
W/o C.C.Suresh, Salesman,  
Integrated Fisherise Project,  
Cochin-682016.

(By Advocate Shri V.R.Ramachandran Nair)

Vs.

1. Union of India represented by  
Secretary, Ministry of Agriculture,  
Department of Animal Husbandry,  
Krishi Bhavan, New Delhi.
2. The Director,  
Integrated Fisheries Project,  
Cochin-682 016.
3. Pay & Accounts Officer,  
Ministry of Agriculture,  
Foreshore Road, Cochin-16.
4. M.K.Raveendran Nair,  
Director of Integrated Fisheries Project,  
Cochin-16.
5. M.A.Gaffoor,  
Office Superintendent,  
Integrated Fisheries Project,  
Cochin-16.
6. A.G.Benna,  
Processing Assistant,  
Integrated Fisheries Project,  
Cochin-16.

Respondents

(By Advocate Shri C.Rajendran, SCGSC (R.1-3)  
(By Advocate Shri M.R.Rajendran Nair (R.5&6)

The application having been heard on 22nd November 2001  
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 is presently working as Salesman in  
the Integrated Fisheries Project (IFP for short) (2nd  
respondent), Cochin has filed this application challenging the  
order dated.18.12.99 of the 2nd respondent allowing the 6th

respondent to join as Processing Assistant in Integrated Fisheries Project with effect from 13.12.99. It is alleged in the application that, the 6th respondent not being a permanent employee but only a person working on adhoc basis could not have been sent on deputation and therefore, the action of the 2nd respondent allowing the 6th respondent to join the post was on extreaneous considerations to show undue favour to the 6th respondent who is daughter of 5th respondent who is working as office superintendent in the Integrated Fisheries Project, Kochi. The applicant has sought the following reliefs:-

- i. To call for the records leading up to Annexure A-10, and quash the same.
- ii. To declare that the appointment of the 6th respondent as Processing Assistant as illegal.
- iii. To direct the second respondent to take immediate steps to appoint the applicant as Processing Assistant under the 2nd respondent.
- iv. To issue such other orders or directions as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.
- v. To award costs to the applicant."

2. The respondents 1 to 3 in the reply statement seek to justify the impugned order A-10 on the ground that the 6th respondent who was appointed in the year 1994 having been sent on deputation to the Fisheries Department of Government of Kerala had to be on repatriation allowed to join back on her post.

3. The 6th respondent in her reply statement seek to justify her joining back in the IFP.

4. When the OA came up for hearing learned counsel of official respondents invited our attention to the undertaking given in paragraph 9 of the reply statement that the applicant would be considered for an existing vacancy, when the ban imposed in filling up the vacancies by Annexure R1(b) order is

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lifted and on resuming the recruitment process which had been deferred owing to the ban. He also stated that the approval of the Ministry of Finance would be sought for making appointment to the post of Processing Assistant and the candidature of the applicant would be considered against that vacancy.

5. Learned counsel of the applicant stated that the application may be disposed of taking note of the above statement and directing the 2nd respondent to consider the appointment of the applicant to the existing one vacancy of Processing Assistant with the utmost expedition.

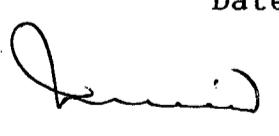
6. In the light of the above statement made by the learned counsel on either side, the application is disposed of with the following declarations and directions.

i. The prayer of the applicant to quash A-10 order is not granted.

ii. The 2nd respondent is directed to consider the candidature of the applicant for the post of Processing Assistant against the existing vacancy after getting approval of the Ministry of Finance as expeditiously as possible.

7. There is no order as to costs.

Dated the 22nd November, 2001.

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

APPENDIX

APPLICANT'S ANNEXURE

1. Annexure A1: True copy of the relevant portion of the Recruitment Rules to the post of Processing Assistant.
2. Annexure A2: True copy of Memo No.A1/2-5/90/15311 dated 22.5.1999 enclosing a copy of circular No.A1/4-6/97 dt. 2.7.1997.
3. Annexure A3: True copy of circular No.A1/4-6/97 dated 2.7.1997 issued by the 2nd respondent.
4. Annexure A4: True copy of representation dated 16.6.1999 submitted by the applicant to the respondent to consider for the post of Processing Assistant.
5. Annexure A5: True copy of Interim Order dated 8th July 1999 in O.A.No.756/99.
6. Annexure A6: True copy of Order No.A1/2-1/99/5669 dated 3.7.1999 issued by the 2nd respondent to Shahina T.S. directing to appear for the interview 11 A.M. on 9.7.99.
7. Annexure A7: True copy of Notification No.A1/2-11/93/1246 dated 24.4.1999 issued by the 2nd respondent to the Divisional Employment Officer to sponsor candidates.
8. Annexure A8: True copy of the judgement dated 20th september 1999 in O.A.No.756/99.
9. Annexure A9: True copy of representation dated 25.11.1999 submitted by the applicant to the 2nd respondent pointing out the judgement of Hon'ble Tribunal.
10. Annexure A10: True copy of Order No.IFP/Admn/II/7-11/92 Vol.I (Office Order No.180/99 dated 18.12.1999 issued by the 2nd respondent appointing the 6th respondent.
11. Annexure A11: True copy of Office Order No.122/92 dated 9.11.1992 issued by the 2nd respondent appointing the 6th respondent on adhoc basis.
12. Annexure A12: True copy of Office Order No.61/93 dated 11.6.1993 issued by the 2nd respondent appointing the 6th respondent on adhoc basis.
13. Annexure A13: True copy of Office Order No.127/93 dated 22.12.1993 issued by the 2nd respondent appointing the 6th respondent on adhoc basis.
14. Annexure A14: True copy of appointment order No.A2-58/96 dated 4.3.1997 issued by the Director of Fisheries, Kerala appointing the 6th respondent and 2 others.
15. Annexure A15: True copy of Order NO.IFP/Admn/II/7-11/92 dated 21.3.1997 issued by the 2nd respondent relieving the 6th respondent.
16. Annexure A16: True copy of Lawyer's Notice 15.12.1999 issued to the 2nd respondent.
17. Annexure A17: True copy of reply letter No.A3/0A/756/99/ 8338 dated 29.12.1999 issued by the 2nd respondent to Advocate.
18. Annexure A18: True copy of Office Order No.32/2000 (No.A2/ 2-4/99) dated 14.3.2000 issued by the 2nd respondent making appointments as Wash Boy in the Integrated Fisheries Project.
19. Annexure A19: True copy of office order No.54/2000 (No.A5/ 7-1/2000/624) dated 10.5.2000 issued by the 2nd respondent making appointments as Lower Division Clerk in the Integrated Fisheries Project, Cochin-16.

20. Annexure A20: True copy of office order No.72/2000 (No. A1/4-5/98) dated 21.7.2000 issued by the 2nd respondent making appointments as Processing Workers in the Integrated Fisheries Project, Cochin-16.
21. Annexure A21: True copy of O.M.No.28036/8/87/Estt.(D) dated 30th March, 1988 issued by the Government of India Dept. of Personnel & Training.
22. Annexure A22: True copy of letter No.PAG/Agri/Cochin/IX 15/362 dated 28.1.2000 issued by the 3rd respondent to the 2nd respondent.

RESPONDENT'S ANNEXURE

1. Annexure R1A: Photo copy of the order in OA756/99 dt.20.9.99.
2. Annexure R1B: Photocopy of the O.M.No.7(3)E(Coord)/99 dt. 5.8.99 issued by Secretary to Govt. of India.
3. Annexure R1C: Photocopy of the Requisition No.A1/2-9/87/2494 dt. 6.8.92.
4. Annexure R1D: Photocopy of the letter No.C1-394/92 dated 16.10.92.
5. Annexure R1E: Photocopy of the office order No.122/92 dated 9.11.92 issued by Director.
6. Annexure R1F: Photocopy of the letter No.A1/2-9/87 dated 23-6-93 issued by Director.
7. Annexure R1G: Photocopy of the letter No.A1/2-9/87/1993 dated 6.8.93 issued by Director.
8. Annexure R1H: Photocopy of the office order No.127/93 dated 22.12.93.
9. Annexure R1I: Photocopy of the office order No.178/94 dated 3.12.94.
10. Annexure R1J: Photocopy of the application dated 13.3.97 to the Director by Beena.
11. Annexure R1K: Photocopy of the Memo No.H-P/Admn./11/7-11/92/Vol.II dated 1.3.2000 issued by Director.
12. Annexure R1L: Photocopy of the amended Recruitment Rules.
13. Annexure R1M: Photocopy of the letter of the 1st respondent.
14. Annexure R1N: Photocopy of the order NO.5-63/99-Fy.Admn. dated 29.9.2000 of the M/o Agriculture.
15. Annexure R1O: Photocopy of the letter No.5-13/2000-Fy. Admn. dated 28.11.2000 of the M/o Agriculture.

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