

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH  
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OA 117/2002

Thursday, this the 4th day of April, 2002.

CORAM :

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

K.P. Xavier,  
S/o Late K.C. Peter, aged 63 years,  
Retired Senior Laboratory Assistant,  
National Institute of Oceanography,  
Cochin, residing at Kuttam Parambil House,  
Vidya Vihar Road, Thevara P.O.,  
Cochin-13.

... Applicant

( By Advocate Mr. M.R. Rajendran Nair )

Vs

1. Union of India rep. by  
The Secretary to Government of India,  
Ministry of Science and Technology,  
New Delhi.
2. Director General,,  
Council of Scientific and Industrial Research,  
Anusandhan Bhavan-2, Rafi Marg,  
New Delhi - 110001.
3. The Director,  
National Institute of Oceanography,  
Donapaula,  
Goa - 403004.
4. The Scientist in Charge,  
National Institute of Oceanography,  
Dr. Salim Ali Road,  
Cochin - 682014.

... Respondents

( By Shri C. Rajendran, SCGSC )

The application having been heard on 4.4.2002, the Tribunal on the same day delivered the following :

ORDER

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


The applicant was promoted to the post of Senior Laboratory Assistant Group II(2) in the scale of Rs.1350-2200/w.e.f. 1.2.1989. While so, by order dated 28.8.1997(A1), he was promoted to the next higher grade of Group II (3) w.e.f. 1.2.1996. However, while fixing his pay by A2 order, the benefit of fixation of pay under FR 22(1) A a(1) was

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not granted to him. In reply to his representation the applicant was told by A3 communication of the 3rd respondent that the matter was pending consideration with the 2nd respondent. So far the final decision has not been taken. Therefore, the applicant has filed this application for a declaration that he is entitled to get pay fixation under FR 22(1) a(1) in the pre-revised scale of Rs.1400-2300 on his promotion to Group II(3) and to get option to draw pay in the pre-revised scale initially and to get pay fixed in the revised scale thereafter and to direct the respondents to fix the pay of the applicant as per the declaration with all consequential benefits including arrears of pay and allowances from 1.2.1996 with 18% interest per annum and to direct the respondents to re-fix the applicant's pension and other retirement benefits and disburse them to him.

2. Although the matter was admitted and the respondents were directed to file the reply statement, the respondents have not filed the reply statement so far. However, when the matter come up for disposal today, the learned counsel on either agreed that the matter may be disposed of directing the 2nd respondent to take a decision on the claim of the applicant for fixation of his pay under FR 22(1) a(1) made in his representation A7 within a reasonable time and to make available to him the consequential benefits, if the decision is in his favour.

3. In the light of above submission made by the counsel on either side, this application is disposed of directing the respondents to consider the claim of the applicant for fixation



of pay under FR 22(1) a(1) w.e.f. 1.2.1996 and to give him an appropriate order within a period of three months from the date of receipt of a copy of this order. We also direct that if the decision on the representation is in his favour, then the consequential benefits flowing therefrom may be made available to him within a month thereafter. No costs.

Dated the 4th April, 2002.



T.N.T. NAYAR  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of the Order No.7/83/97 EII dated 28.8.97 issued by 3rd respondent.
2. A-2 : True copy of the pay fixation statement duly signed by the SIC.
3. A-3 : True copy of the letter No.2/15/64-N10 dated 21.2.2000 from the 3rd respondent's office.
4. A-4 : True copy of the letter No.1/409/76 N10 dated 24.2.98 addressed to the 2nd respondent by the 3rd respondent.
5. A-5 : True copy of the reply dated 18.3.98 from the 2nd respondent.
6. A-6 : True copy of the representation dated 3.8.2001 to the 3rd respondent.
7. A-7 : True copy of the representation dated 21.8.2001 to the 2nd respondent with copy to 3rd respondent.
8. A-8 : True copy of the representation dated 7.11.2001 to the 2nd respondent.

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