

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No.122/2000

Thursday, this the 3rd day of February, 2000.

CORAM:

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

M. Damodaran,
Wireless Supervisor,
Central Institute of Fisheries
Nautical & Engineering Training Unit,
Beach Road, Vishakhapatnam - 530 001.

..Applicant

By Advocate Mr. M. Girijavallabhan

Vs.

1. Union of India represented by the Secretary, Ministry of Agriculture, (Department of Animal Husbandry & Dairying), Krishi Bhavan, New Delhi - 110 001.
2. The Director, Central Institute of Fisheries Nautical & Engineering Training, Diwan's Road, Kochi - 682 016.
3. The Deputy Director, Central Institute of Fisheries Nautical & Engineering Training Unit, Beach Road, Vishakhapatnam - 530 001.

..Respondents

By Advocate Mr. N. Anil Kumar, ACGSC

The application having been heard on 3.2.2000, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

The applicant seeks the following reliefs:

"(a) To declare that the discriminatory treatment meted out towards the applicant as submitted by him in para 4(e) above in not allowing him to function as Wireless Supervisor in a Radio Telephone (Marine) station for the last 15 years without any rhyme or reason when a similarly situated person was not denied the same throughout his 21 years of service especially in view of Annexures A-6(a) & A-6(b) and A-7 is opposed to the equality clauses guaranteed under

contd..2/-

Articles 14 & 16 of the Constitution of India and hence liable to be declared so;

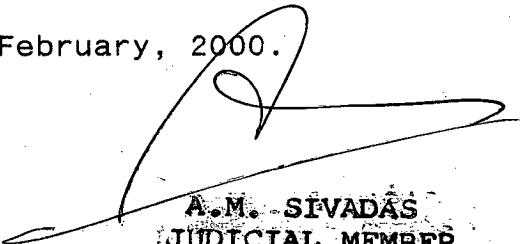
- (b) To direct the 2nd respondent to consider the case of the applicant afresh for allowing him to be posted at Cochin, because the sole reason for transferring him to Vizag unit vide Annexure A-1 order on the ground justified by him in para 2 of his reply statement to O.A. No.492/91 was that the post of Asst. Instructor (Electronics) was lying vacant at Vizag Unit which is non-est as this post of Assistant Instructor (Electronics) has also since been filled up during June 1999, as has been brought out by the applicant in his representation at Annexure A-10(a);
- (c) Any other reliefs this Hon'ble Tribunal deems just in the circumstance of the case and the applicant may seek;
- (d) To award the costs of this application."

2. When the O.A. was taken up, the learned counsel appearing for the applicant submitted that it is suffice to direct the 2nd respondent to consider and pass appropriate orders on A-10(a) representation within a time frame. The learned counsel appearing for the respondents submitted that there is no objection in adopting such a course.

3. Accordingly, the 2nd respondent is directed to consider and pass appropriate orders on A-10(a) representation submitted by the applicant within three months from the date of receipt of a copy of this order.

4. O.A. is disposed of as above. No costs.

Dated this the 3rd day of February, 2000.


A.M. SIVADAS
JUDICIAL MEMBER

LIST OF ANNEXURES REFERRED TO IN THIS ORDER

1. Annexure A-1: Office Order No.11-1/84 Adm dated 10.10.84 of 2nd respondent.
2. Annexure A-6(a): Memorandum No.PF.42/Adm dated 13.3.87 of 3rd respondent.
3. Annexure A-6(b): Memorandum No.PF.42/Adm dated 1.7.88 of 3rd respondent.
4. Annexure A-7: Office Order No. 11-2/87 Adm dated 16.12.87 of 2nd respondent.
5. Annexure A-10(a): Representation of applicant to 2nd respondent dated 14.7.99.