

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA 134/2003

Wednesday this the 27th day of September, 2006

CORAM

**HON'BLE MR.N.RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER**

M.T.Mani
Kailas Bhavan
Te 66/145. K.S.Road,
Vellayam P.O.,
Thiruvananthapuram.

... Applicant

By Advocate Mr.P.V.Mohanan

V/s.

1. The Secretary
Indian Council of Agricultural Research,
Krishi Bhavan,
Dr.Rajendra Prasad Road,
New Delhi-110 001.
2. The Director,
Central Marine Fisheries Research Institute,
Post Box No.1003,
Tatapuram P.O.,Ernakulam,
Cochin- 682 014.

... Respondents

By Advocate Mr.P.Jacob Varghese

**The application having been heard on 27.9.2006 the Tribunal delivered
the following:**

O R D E R

Hon'ble Mr. N.Ramakrishnan Administrative Member

The learned counsel for the applicant brings to our notice the
memo filed by the learned counsel for respondents on 30/9/2006 attaching



a copy of the letter from I.C.A.R. Dated 17/8/2006. The applicant has made the following prayers:-

- i) To call for the records leading to Annexure A-14 and set aside the same.
- ii) To direct the respondent to grant the revised scale of pay of Rs.3050-4500 in the post of Cook as adapted by Annexure A-8 proceedings dated 17/4/2001 with effect from 1/1/1996 with all consequential benefits.
- iii) To direct the respondent to grant the first financial upgradation under Assured Career Progression Scheme (ACP Scheme) in the existing hierarchy of Canteen employee on completion of 12 years service in the scale of Rs.3200-4900.
- iv) To extent the pensionary benefit to the applicant reckoning the entire service rendered by the applicant as cook in Departmental Canteen as qualifying service.

The prayer-(ii), ^{referred to above} relating to granting of revised scale of pay, has been well covered by the letter dated 17/8/2006, the operative portion of which is reproduced below:-

"It appears that the representation of Shri M.T.Mani, SS Gr.IV (Cook-Boat) for extending the revised pay scale of Rs.3500-4590/- has been rejected by the Institute on the ground that Shri Mani belongs to Supporting Staff category. However, Shri Mani was holding the post of Cook as on 1/1/1996 in the Auxillary category and his request for placement in the revised pay scale of Rs.3050-4590 should have been examined in the light of the fact that the post of Cook/Board-Cook remained under Auxillary category till 28th June, 1996, after which only has been brought under Supporting Staff Category w.e.f. 29th June 1996. The Institute therefore may extend the benefit due as per DOP&T OM dated 24th September 1998 to the pay scale of Rs.3050-4590 subject to the condition that he foregoes all benefits availed either by way of promotion or any other



benefits which he has availed under supporting category since 29th June, 1996. For all practical purposes, he will be treated as an employee under Auxillary category holding the post of cook even after 29th June 1996 on personal basis till his superannuation."

In view of this direction given by I.C.A.R to the Director, CMFRI, Kochi, the applicant would be satisfied if the Director CMFRI passes an order in the light of these directions. Hence, in these circumstances, relief (ii) has already been covered and hence is not pressed.

As relating to relief (iii) which is concerned with granting of ACP, the applicant would be satisfied if the respondents are directed to duly consider the representation which he shall file in this regard in terms of the ACP scheme as adopted by the I.C.A.R (Annexure A-10). It is so ordered.

As relating to the last prayer concerning the pensionary benefits, the same is not being pressed for the time being.

The learned counsel for respondents have no objection to the adoption of this course of action.

The OA is disposed of with above directions. No costs.


GEORGE PARACKEN
JUDICIAL MEMBER


N. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

abp