

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.157/2001

FRIDAY THIS THE 9th day of February, 2001

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

1. Indo Norwegian Project Employees Association (Reg.No.112 of 1970). Integrated Fisheries Project, Fine Arts Avenue, Kochi.16 represented by its General Secretary K.Prabhakaran S/o N.Appukuttan Nair, aged 63 years, Residing at H.No.31/463A Vytilla, Cochin.19.
2. P.K.Neelakandan, S/o Late Kuttappan, aged 51 years, Junior Deck Hand, Integrated Fisheries Project, Kochi.16 residing at Puthenpurackal House, Nettoor PO, South Colony.
3. V.U.Hussan S/o Late Unni aged 56 years, Junior Deck Hand, Integrated Fisheries Project, Kochi.16. residing at Vathukkaparambil Malippuram PO. 682511.Applicants

(By Advocate Mr. VR Ramachandran Nair)

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1. Union of India, represented by the Secretary to Government of India, Ministry of Agriculture, Deptt. of Animal Husbandary & Dairying Krishi Bhavan, New Delhi.
2. The Director-in-Charge, Integrated Fisheries Project, Kochi.16.Respondents

(By Advocate Mr. Govindh K.Bharathan SCGSC (rep.)

The application having been heard on 9.2.2001, the Tribunal on the same day delivered the following:

O R D E R

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

The first applicant is Indo Norwegian Project Employees Association, Integrated Fisheries Project, Cochin

represented by General Secretary K.Prabhakaran and applicants 2 and 3 are Jr.Deckhands working in the Integrated Fisheries Project, Cochin. Applicants are aggrieved by the order of the Director, Integrated Fisheries Project, Cochin. 16 dated 10.1.2001 (A.1) informing them that the Ministry vide its letter dated 26.12.2000 has decided to transfer three Fishing Vessels namely MFV Sagarika, MFV Samudrika and one indigeneous built vessel of the Integrated Fisheries Project, Cochin to Fishery Survey of India (FSI for short) with immediate effect and giving the employees an option to be transferred alongwith the Vessels to the FSI or continue in the Integrated Fisheries Project. Aggrieved by that and not knowing what actually the contents of the Ministry's decision the first applicant on 17.1.20001 (A5) (Annexure.A4) represented that the action be stopped. The third applicant on 17.1.2001 wrote a letter to the Director requesting him to supply a copy of Ministry's letter dated 26.12.2000. In reply to this letter, the third applicant was told by order dated 31.1.01 (Annexure.A6) that the copy of the Ministry's letter could not be supplied to him and that he might opt for transfer or be retained in the Integrated Fisheries Project. Aggrieved by Annexures.A1 and A6 the applicants have jointly filed this application seeking to have the impugned orders set aside. It is alleged in the application that transfer of three fishing vessels from Integrated Fisheries Project to the FSI is not on public interest, that it may affect the service prospects of the members of the first applicant Association, that

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there is a likelihood of they being transferred and that as the transfer would not further the interests of the State exchequer in public interest the impugned orders are liable to be set aside.

2. Shri VR Ramachandran Nair, learned counsel of the applicants strenuously argued that the decision of the Ministry to transfer these three fishing vessels cannot be considered in the interests of the State exchequer and he incidently quoted the per vessel catch in Integrated Fisheries Project and tried to argue that the decision has not been taken in public interest. He also referred us to the letter written by Shri Nitish Kumar, the Minister for Agriculture to Shri George Eden, the local M.P.on the subject telling him that a decision would be taken in regard to transfer of three vessels only after taking into consideration the interests of the public exchequer. The counsel argued that as a decision to transfer the vessels has not been taken after consideration of various aspects such as the interests of public exchequer, inconvenience the employees would be put to, the impugned orders are liable to be interfered with by this Tribunal.

3. The respondents opposed the admission and further deliberation of this application.

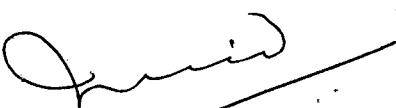
3. After hearing the counsel for applicants at length, we find no valid cause of action of the applicants which



call for admission of this application. The decision to transfer the three vessels from the Integrated Fisheries Project to the FSI a policy decision was taken obviously after considering the public interest and the gain to State exchequer. We cannot go into the balance sheet of the organisation to see whether the decision taken by the Ministry is correct or not because that is not within the province of the Tribunal. No service grievance of the applicants has arisen. None of the members of the 1st applicant Association have been transferred. It is upto the members of the Association to exercise their option either to get transferred along with the Vessel to FSI or to continue in the Integrated Fisheries Project. So long as none of the service rights of the applicants has been violated, there is no cause of action. ~~in present case~~

4. In the light of what is stated above, the application is rejected under Section 19(3) of the Administrative Tribunals Act. No costs.

Dated the 9th day of February, 2001


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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List of annexures referred to:

Annexure.A1: True copy of Office Order No.6/2001 (No.A1/2-1/2001/21) dated 10.1.2001 issued by the 2nd respondent.

Annexure.A4: True copy of representation dated 17.1.2001 submitted by the Central Govt. Fishing Seamens Association to the Director General of FSI, Mumbai.

Annexure.A5: True copy of representation dated 17.1.2001 submitted by the third applicant to the Director, IFP.

Annexure.A6: True copy of Memo No.A1/1-1/2001/133 dated 31.1.2001 issued by the 2nd respondent to the third applicant.