

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 173 of 1996

Wednesday, this the 4th day of June, 1997

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

1. C. Yesodhara Ammal,  
W/o K Parameswaran Nambiar,  
Junior Technical Assistant, T-I-3 (retired),  
Central Plantation Crops Research Institute,  
Regional Station, Kayamkulam,  
residing at 'Suresh Mandiram',  
Krishnapuram-690533, Kayamkulam. .. Applicant

By Advocate Mr. P.V. Mohanan

Versus

1. The Director General,  
Indian Council of Agricultural Research,  
Krishi Bhavan, Dr.Rajendra Prasad Road,  
New Delhi - 110001
2. The Director, Central Plantation  
Crops Research Institute,  
Post Kudlu, Kasaragod. .. Respondents

By Advocate Mr. C.N. Radhakrishnan (represented)

The application having been heard on 4-6-1997, the  
Tribunal on the same day delivered the following:

O R D E R

The applicant seeks to quash A-3 order dated 26.9.95  
declining honorarium/cash payment for the remaining part  
of the unavailed days of compensatory holidays.

2. The applicant was working as Technical Personnel  
in the Central Plantation Crops Research Institute. She  
retired on superannuation on 31-7-1994. She made A-2  
representation claiming cash compensation/honorarium for

contd..2.

the remaining part of unavailed compensatory holidays.

As per A-3, in a cryptic manner, the representation has been rejected.

3. According to the applicant, she was entitled to avail compensatory holidays only with the permission of the Head of the Section, that one Senior Technical Assistant was on leave due to unavoidable reasons, that she was instructed by the Head of the Section not to avail leave for long period as it will affect the research work in Section due to paucity of technical personnel, and that the Head of the Section Dr.Radhakrishnan recommended that the applicant is entitled to get cash compensatory allowance as she had not avail leave due to pressure of work. The applicant also says that the favourable recommendation of the Head of the Section was not forwarded by the Joint Director to the 2nd respondent and A-3 order, according to the applicant, in all probability has been passed without seeing the recommendation of the Head of the Section. Learned counsel appearing for the applicant submitted that the 2nd respondent, if had seen the recommendation of the Head of the Section, in all probability would not have passed an order like A-3 which is under attack.

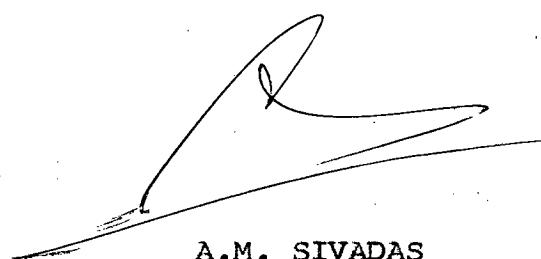
4. Learned counsel appearing for the applicant submitted that the applicant may be permitted to make a detailed ~~supplementary~~ representation to the 2nd respondent and the 2nd respondent may be directed to consider and dispose of the same on merits calling from the Joint Director the recommendation ~~alleged to have been~~ made by Dr.Radhakrishnan,

Head of the Section. Learned counsel appearing for the respondents submitted that there is no objection for the same.

5. The applicant is permitted to file a detailed ~~supplemental~~ representation to the 2nd respondent within two weeks from today. If such a representation is submitted, the 2nd respondent shall consider the same and dispose it of by a speaking order uninfluenced by A-3 within a period of one month from the date of receipt of the representation.

6. Original Application is disposed of as aforesaid.  
No costs.

Dated the 4th of June, 1997



A.M. SIVADAS  
JUDICIAL MEMBER

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LIST OF ANNEXURES

1. Annexure A2: True copy of the representation by the applicant to the 2nd respondent dated 25.5.1995.
2. Annexure A3: True copy of the Order Ref. No.F.7 (41)95-Estt. dated 26.9.1995 issued on behalf of the 2nd respondent.

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