

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.181/2002.

Thursday this the 12th day of September 2002.

CORAM:

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

M.Abdul Raheem Pookoya,
Junior Accounts Officer,
Pay and Accounts Department,
Minicoy.

Applicant

(By Advocate Smt.V.P.Seemanthini & Shri K.R.Rajesh)

Vs.

1. The Administrator,
U.T.of Lakshadweep, Kavarathy.

2. Union of India, rep. by
Secretary to Government,
Ministry of Home Affairs,
New Delhi.

Respondents

(By Advocate Shri C.Rajendran, SCGSC(R-2)
(By Advocate Shri P.R.Ramachandra Menon (R-1)

The application having been heard on 12th September, 2002, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant while working as Senior Auditor was promoted on adhoc basis as Junior Accounts Officer in the scale of Rs.5500-9000 by order dated 7.1.98 (A7). He continues to hold the post even now on adhoc basis. His claim for regularisation on that post has not yet been acceded to. With the result, he is kept in the lower pay in comparison to his juniors. Projecting this grievance, the applicant has made A-14 representation on 14.1.2002 but without response. Therefore, the applicant has filed this application for a direction to the respondents to regularise his appointment to the post of Junior Accounts Officer w.e.f. 7.1.1998 and to give him consequential refixation of pay.

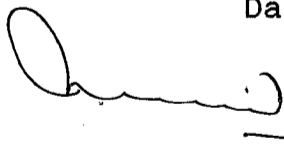
in the scale attached to the post, de hors the Annexure A-13 order. The applicant has also prayed in the alternative, for a direction to the respondents to consider A-14 representation and to give him an appropriate order.

2. The respondents have filed a detailed reply statement. However, when the matter came up for hearing today, learned counsel of the respondents stated that the application may be disposed of directing the first respondent to consider the applicant's representation A-14 in the light of the rules and instructions on the subject and to give him an appropriate reply within a reasonable time.

3. Learned counsel of the applicant stated that the applicant would be satisfied if such a direction is given.

4. In the light of the above submission made by the learned counsel on either side and in the interests of justice, the application is disposed of directing the first respondent to consider A-14 representation of the applicant in the light of the rules and instructions on the subject and to give him an appropriate reply within a period of two months from the date of receipt of a copy of this order. There is no order as to costs.

Dated the 12th September, 2002.



T.N.T.NAYAR
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN

A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of the Circular dt.27.9.93 issued by the 1st respondent.
2. A-2: True copy of the letter dt.28.9.95 given by the applicant to the Collector cum Dev.Commissioner.
3. A-3: True copy of the certificate of training dt.22.4.95 issued by dept.
4. A-4: True copy of notification dt.11.10.95 issued by the department.
5. A-5: True copy of the circular dt.25.8.95 issued by the 1st respondent.
6. A-6: True copy of the Order dated 12.11.95 issued by the 1st respondent.
7. A-7: True copy of the Order dated 7.1.98 issued by the 1st respondent.
8. A-8: True copy of order dt.31.8.99 issued by the department.
9. A-9: True copy of the objection dt.18.9.99 filed before the 1st respondent by the applicant.
10. A-10: True copy of the reply dt.11.10.99 received from the A/Cs Officer by the applicant.
11. A-11: True copy of the representation dt.22.3.2000 filed by applicant to the 1st respondent.
12. A-12: True copy of representation dt.18.9.2000 filed by applicant to respondent.
13. A-13: True copy of regularisation order dt.16.8.2000 issued by the department.
14. A-14: True copy of the representation dt.14.1.2002 filed by applicant.

Respondents' Annexures:

1. R-1: True copy of Notification F.No.1/9/93-SERVICES(CC) dtd.12.11.95 issued by the 1st respondent.
2. R-2: True copy of O.M.No.AB.14017/2/97-Estt.(RR) dtd.25.5.98 issued by the Govt. of India, Department of Personnel & Training.
3. R-3: True copy of O.M.No.AB .14017/2/97-Estt.(RR) dtd.18.8.98 issued by the Govt. of India, Department of Personnel & Training.
4. R-4: True copy of the amended Recruitment Rules issued as per Notification F.No.12/67/97-SERVICES dtd.22.3.99 issued by the 1st respondent.
5. R-5: True copy of the Audit Enquiry No.6 issued by the Audit Officer.
6. R-6: True copy of F.No.12/18/99-SERVICES dtd.13.5.99 issued by the Secretary (Administration).
7. R-7: True copy of O.M.F.No.1/11/99=PAO(I) dtd.29.5.99 issued by the Secretary (Pay & Accounts).
8. R-8: True copy of the Joining Report dtd.11.6.99 sent by the applicant.
9. R-9: True copy of the option exercised by the applicant.
10. R-10: True copy of the order F.No.1/11/99-PAO (I) dtd.31.8.99 issued by the Secretary (Pay & Accounts)

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