

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.20/2001

Thursday this the 18th day of January, 2001

CORAM

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

G.Swaminatha Menon,
S/o N.Govinda Menon,
Scientist 'C'
Central Ground Water Board,
Ministry of Water Resources,
Trivandrum.11
residing at 95-A, Vullur Gardens,
Trivandrum.11.Applicant

(By Advocate Mr.M.R.Rajendran Nair)

V.

1. Union of India, represented by its Secretary to Government of India, Minsitry of Water Resoruces, Shramshakti Bhavan, New Delhi.
2. The Chairman, Central Ground Water Board, NV.IV, Faridabad.
3. The Director, Central Ground water Board, Kerala Region, Ulloor Junction, Trivandrum.11.Respondents

(By Advocate Mr. Govindh K Bharathan (rep)

The application having been heard on 18.1.2001, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant, Scientist 'C' in the Central Ground Water Board had filed O.A. 886/96 praying that the hydrology discipline to which he belongs may be directed to be retrospectively included under the Flexible Complementary Scheme (FCS for short) with effect from the new date with consequential benefits. The said original application was disposed of by the Bench by order dated 14.8.97 allowing the prayer and directing the respondents to work out the benefit

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that may accrue to the applicant had the hydrology discipline been included in the FCS with effect from 6.6.87. The respondents carried the matter to the Hon'ble High Court of Kerala in OP 22691/97 which is pending. Now finding that certain additional benefits have been granted to Hydrologists, the applicants in OA 60/96 by the Jaipur Bench of the Central Administrative Tribunal, the applicant made a representation to the second respondent for extending those benefits to him also on 19.12.2000 (Annexure.A4). Shortly thereafter, the applicant has filed this application for a declaration that the applicant is entitled to be considered for promotion as Scientist 'C' with effect from 1991 and Scientist 'D' with effect from 1996 and to direct the respondents to consider him for promotion as Scientist 'C' with effect from 1991 and to postpone his promotion as Scientist 'C' with effect from 1991 if found suitable and also to consider him for promotion as Scientist 'D' with effect from 1996 basing on the judgment of the Jaipur Bench.

2. After perusing the application and hearing the learned counsel of the applicant, we find that the application is premature. The ^{question of} very/inclusion of hydrology under the Flexible Complementary Scheme (FCS) with retrospective effect is now pending before the High Court of Kerala in OP 22691/97. Further the applicant has made representation to the second

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respondent claiming the benefit for which he has filed this Original Application only on 19.12.2000. The present application has been filed on 4.1.2001. Having made a representation to the competent authority, the applicant should have waited for a reasonable time giving the authority sufficient time to consider the merit of the claim and take a decision and should not have rushed to the Tribunal. We therefore find that the application is premature and we reject the same under Section 19(3) of the Administrative Tribunals Act,1985.



(T.N.T.NAYAR)
MEMBER (A)



(A.V.HARIDASAN)
VICE CHAIRMAN

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