

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.222/11

Thursday this the 19th day of January 2012

C O R A M :

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

P.Sulaiman,
S/o.late P.M.Yosuf,
Fishery Officer, Central Institute of Fisheries,
Nautical & Engineering Training, (CIFNET),
Fine Arts Avenue, Cochin.
Residing at Panikka Veedu,
Malippuram PO, Cochin – 682 511.

...Applicant

(By Advocate Mr.Shafik M.A)

V e r s u s

1. Union of India represented by Secretary,
Department of Expenditure, Ministry of Finance,
New Delhi.
2. The Secretary to the Government of India,
Department of Animal Husbandry, Dairying
and Fisheries, Ministry of Agriculture, New Delhi.
3. The Under Secretary to the Government of India,
Department of Animal Husbandry, Dairying
and Fisheries, Ministry of Agriculture, New Delhi.
4. The Director,
Central Institute of Fisheries, Nautical &
Engineering Training, Cochin – 16. ...Respondents

(By Advocate Mr.M.K.Aboobacker,ACGSC)

This application having been heard on 19th January 2012 this
Tribunal on the same day delivered the following :-

O R D E R

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant in this Original Application has claimed the following
reliefs :-

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1. To call for the records relating to Annexure A-1 to Annexure A-18 and to quash Annexure A-1, Annexure A-2 and Annexure A-16 being illegal arbitrary.
2. To declare that the applicant is entitled for the salary of Senior Instructors in the scale of pay of Rs.8000-13500/- with effect from 1.10.2005 since he is discharging the duties of the said post and more and to direct the respondents to pay the salary of the applicant in the scale of pay of Senior Instructors, if necessary by upgrading the post by amending the Recruitment Rules and to pay the arrears of the salary with all consequential benefits with 18% penal interest.
3. To direct the 2nd respondent to immediately re-designate the post of Fishery Officer as Senior Instructor in the scale of pay of Rs.8000-13500/- of CIFNET and to assign him proper seniority in the grade and to consider him for further promotion.
4. To issue such other appropriate orders or directions this Hon'ble Court may deem fit, just and proper in the circumstances of the case.

2. Notice was issued to the respondents who filed their counter as well as additional reply, additional reply being filed in pursuance of rejoinder filed by the applicant. When the case came up for consideration, counsel for the respondents made available a copy of the order dated 2.1.2012 and 29.12.2011. The latter order is a promotion order, promoting the applicant to the post of Senior Instructor (Fishing Technology) (General Central Service Group 'A' Gazetted, Non Ministerial) in the Pay Band – 3 of Rs.15600-39100/- with Grade Pay of Rs.5400/- in the CIFNET from the date the applicant assumed the charge of that post. Office Order dated 2.1.2012 is a posting order of the applicant in the CIFNET at Cochin. With the above development, counsel for the respondents submitted that this O.A be closed.



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3. Counsel for the applicant submitted that any further order required for regularization of the pay scale to the applicant in the post of Senior Instructor and assignment of proper seniority in the grade may also be directed to be issued as the relief sought for includes assignment of seniority etc.

4. With the issue of the promotion order, the logical corollary is according seniority and if there is any requirement of regularization of pay scale, the respondents would automatically address the same.

5. With the above observations, this O.A is closed. No order as to costs.

 (Dated this the 19th day of January 2012)

K.GEORGE JOSEPH
ADMINISTRATIVE MEMBER

 **Dr.K.B.S.RAJAN**
JUDICIAL MEMBER

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