

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA NO.293 of 2006.

This the 1st day of August, 2008

C O R A M

HON'BLE DR. K.B.S. RAJAN, JUDICIAL MEMBER
HON'BLE DR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER

C.P. Mullakoya
Training Associate
Krishi Vigyan Kendra, Kilthan
Union Territory of Lakshadweep

Applicant

By Advocate Mr. R.K. Muraleedharan

Vs.

1 Union of India rep. By its Secretary
Department of Agriculture
New Delhi.

2 The Administrator
Union Territory of Lakshadweep

3 P. Mullakoya,
Training Organiser
Krishivigyan Kendra, Kilthan
Union Territory of Lakshadweep.

Respondents.

By Advocate Mr. S. Radhakrishnan for R-2

O R D E R

HON'BLE DR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER

The applicant in this OA is working as a Training Associate, Krishi Vigyan Kendra, Kiltan, Union Territory of Lakshadweep. He is aggrieved by the orders issued by the respondents at A5, A7, A8 and A10. By the order at A5 dated 14.2.2006 the respondents considered and disposed of the applicant's representation dated 30.11.2004 in accordance with the directions

issued by this Tribunal in OA 103/2005. By the order at A7 dated 6.5.2005 the respondents specified who should act as Link Officers in respect of various posts including that of Director Agriculture about which the applicant has raised a dispute. By order at A8 dated 6.1.2007 the respondents issued an order giving additional charge of Research Officer as well as Director of Agriculture to Shri C.P.Hamzakoya, Coconut Development Officer. By A10 order dated 29.6.2007 the respondents issued a revised order in supersession of all previous orders specifying the Link Officers who will look ^{after} the additional charge of different posts when the incumbents are away on leave or otherwise. The list at A10 includes the post of Director of Agriculture whose first Link Officer is the Director of Animal Husbandry and the second link Officer is Dy. Conservator of Forests.

2 It is contended on behalf of the applicant that while disposing of his representation dated 30.11.2004 the respondents have not considered all the points raised by him. The order at A7 specifying Link Officers is illegal. The Research Officer shown as second Link officer is a very junior person who, if given charge of Director Agriculture will supervise the work of senior officers of the Agriculture Department. The order at A/8 is also illegal as it names a particular person. The order at A10 is illegal as the Link officers specified therein have no connection with agriculture.

3 On 5.5.2006 this Tribunal issued an interim direction that the respondents shall strictly follow the seniority in the matter of giving charge of Director Agriculture when he proceeds on leave, etc. Alleging violation of the interim directions the applicant filed a Contempt Petition (CP61/2006) which was closed by the Tribunal in the light of the reply affidavit filed.

4 The respondents have contested the OA. In the reply statement filed by them, it is stated that the applicant's substantive post is that of Agriculture Demonstrator. There are four higher categories in the hierarchy namely, Agriculture Officer, Plant Protection Officer, Coconut Development Officer and Director of Agriculture. Hence as per the seniority the applicant is not entitled to hold additional charge of Director of Agriculture. He is not the next seniormost person in the Department of Agriculture. The applicant's selection and appointment as a Training Associate at a higher pay scale in Krishi Vigyan Kendra (largely funded by ICAR) does not make him the next seniormost in the hierarchy of the Department. Considering administrative convenience it has been decided to entrust the additional charge of departmental heads to other departmental heads. The applicant is given the additional charge of Training Organiser of Krishi Vigyan Kendra when the Training Organiser is away. (A2).

5 We have heard the learned counsel for the applicant Ms.Lakshmi for RK Muralidharan and the learned counsel for the official respondents Shri S.Radhakrishnan. We have also perused the records carefully.

6 The subject matter of this OA is the principle to be adopted while giving additional charge of a post when the incumbent is temporarily away on leave or tour etc. No specific orders of the Government of India about the principle to be adopted has been brought to our notice in the pleadings. However it is expected that seniority will not be overlooked in the normal course. But at the same time there is nothing wrong in giving additional charge to the head of another department if that is administratively more convenient. There is no legal infirmity in such an arrangement. This is also an accepted practice in

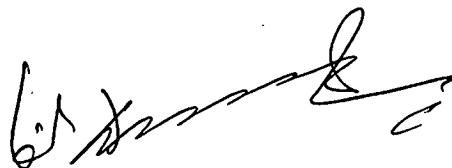
many Departments of the Government of India. Link Officers are generally of equal rank and available in the same headquarter. The main objection of the applicant appears to be the nomination of a Research Officer (Agriculture Census) as a second Link Officer for the post of Director of Agriculture. There is some justification in this objection. Research Officer (Agriculture Census) is not the head of another department. Nor is he the next seniormost in the Departmental hierarchy. Actually he belongs to another hierarchy. We have however observed that the respondents have corrected this anomaly in their latest order dated 29.6.2007. (A/10). By the order dated 29.6.2007 the Director of Animal Husbandry is the first Link Officer and the Dy. Conservator of Forest is the second Link Officer. We do not therefore consider that there is any justification for this Tribunal to interfere with the order dated 29.6.2007 which has been issued in supersession of all the other orders. We hope that the respondents shall not deviate from the system introduced by order 29.6.2007 and if any occasion arises for change of a Link Officer the replacement will be another head of a department, and not the Research Officer (Agriculture Census).

7 With the above observations the OA is disposed of.

Dated the 1st August, 2008



K.S. SUGATHAN
ADMINISTRATIVE MEMBER



K.B.S. RAJAN
JUDICIAL MEMBER

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