

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.30/2001

Friday, this the 19th day of January, 2001.

CORAM:

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

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

K. Gopalakrishnan Nair,
Assistant (Retd.),
For C.M.F.R.I. Pensioners' Forum,
Prasanthi Nivas, 3rd Cross Lane,
Citizen Road, Ayyappankavu,
Cochin-682 018. - Applicant

By Advocate Mr N Muralieedharan Nair

vs

1. Union of India represented by Secretary, Ministry of Agriculture, Krishi Bhavan, New Delhi.
2. Indian Council of Agricultural Research, Krishi Bhavan, Dr. Rajendra Prasad Road, New Delhi-110 001 represented by its Secretary.
3. Central Marine Fisheries Research Institute, Post Box No.1603, Cochin-682 014, represented by its Director. Respondents

By Advocate Mr A Sathianathan, ACGSC(for R.1)

By Advocate Mr P Jacob Varghese (for R.2&3)

The application having been heard on 19.1.2001, the Tribunal on the same day delivered the following:

ORDER

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

The applicant, aged 71 years by now, who claims to have been filed this application for the C.M.F.R.I. Pensioners' Forum, sought a direction to the respondents 1&2

to consider and pass orders on A-1, A-2 and A-4 representations made on 29.7.99, 3.11.2000 and 4.7.2000 respectively and to pass orders fixing the salary of the Assistants under the 3rd respondent retrospectively from 1.1.86 and to disburse arrears of pay and maximum pension to the applicants at higher rate with effect from 1.1.86 treating the service period as sufficient for full pension.

2. The third respondent is an Institute, under the Indian Council of Agricultural Research. It is alleged that the Assistants working under the second respondent were placed in the pay scale of Rs.1640-2900 with effect from 1.1.86 while the Assistants working under the third respondent and similar other institutes were placed under a lower pay scale. The applicant retired from service on 31.12.87. Coming to know that by an order dated 16.6.97, the pay scale of the Assistants under the third respondent has also been brought upto Rs.1640-2900 with prospective effect, the applicant, on 29.7.99 submitted a representation for extending the benefit to the Assistants under the third respondent with effect from 1.1.86 onwards. He followed it up with the next two representations A-2 and A-4. The applicant got a communication on 4.9.2000 informing him that the matter has been sent to the second respondent for consideration. It is finding no response that the applicant has filed this application for the aforesaid reliefs.

3. On a perusal of the application and the material placed on record, we find that the application is not

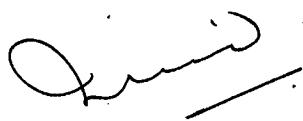


maintainable before this Tribunal for a variety of reasons. The applicant who retired on 31.12.87, became a pensioner thereafter and he would be entitled to revision of pension, if any. Revision of pay of the serving employees made prospectively with effect from any date after 31.12.87 would not give him any benefit. The order dated 16.6.97 though not produced even according to the applicant had only prospective operation. The claim of the applicant that the anomaly had existed even earlier from 1.1.86 and therefore the pay revision should have been effective from 1.1.86 cannot be entertained for the reason that it is the prerogative of the Government to prescribe pay scale in respect of serving employees and to determine the date from which such scale would be effective. The application is also totally barred by limitation, because the grievance according to the applicant, arose on 16.6.97 when the equalisation of the pay scale of the Assistants with prospective effect was introduced on that date. The applicant made his first representation only after expiry of two years and now coming up before this Tribunal after expiry of three years. The applicant claims that he has filed this application for the CMFRI Pensioners' Forum. It is not stated as to what is the position of the applicant with reference to the said forum. Whether there is any resolution authorising the applicant to maintain this application is also not mentioned and no member of the Forum who is directly affected has been brought in the array of the applicants.

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4. For the aforementioned reasons, we find that the application cannot be entertained. The application is therefore rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated, the 19th of January, 2001.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES REFERRED TO IN THE ORDER:

1. A-1: True copy of the representation dated 29.7.99 submitted by the applicant before the 3rd respondent.
2. A-2: True copy of the representation dated 3.11.2000 submitted by the applicant before the 2nd respondent.
3. A-4: True copy of the representation submitted by the applicant before the Hon'ble Prime Minister dated 4.7.2000.