

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O A 304/97

WEDNESDAY THE 18TH DAY OF JUNE, 1997

C O R A M:

HON BLE MR. A V. HARIDASAN VICE CHAIRMAN

HON'BLE MR P.V. VENKATAKRISHNAN ADMINISTRATIVE MEMBER

R. Ayyappan S/o Raghavan,
Ad hoc Operator/Ice Plant,
Integrated Fisheries Project,
Kochi-16.

..Applicant

By Advocate Mr T C.G. Swamy

vs

1. Union of India through the Secretary
to the Government of India
Ministry of Agriculture,
Krishi Mantralaya,
New Delhi.
2. The Director
Integrated Fisheries Project,
Kochi 16

.. Respondents

By Advocate Mr MHJ David J, ACGSC

The application having been heard on 18.6.97, the Tribunal on
the same day delivered the following:

O R D E R

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

The applicant is officiating as an Assistant Operator, Ice Plant, under the Integrated Fisheries Project, Kochi. As the respondents took steps to fill the sole post of Operator by considering persons belonging to Scheduled Castes category on the ground that the vacancy was reserved for persons belonging to Scheduled Castes, the applicant filed O.A. 181/96 for a declaration that a single vacancy is not liable to be reserved and to consider the applicant for promotion to the post of Operator in the scale of Rs. 1400-2300 w.e.f. 2.9.93. That Application was allowed by the Tribunal. The respondents have not taken any steps for filling up the vacancy of Operator on a regular basis by considering the applicant. They have also not extended the ad hoc promotion of the applicant by any order after 3.12.95. However, alleging that the applicant is still performing the duties of the post of Operator, the applicant has filed

this application for a direction to the respondents to consider him for regular promotion as Operator/Ice Plant w.e.f. 2.9.93 and to grant him the pay in the pay scale applicable to the post of Operator/Ice plant w.e.f. 3.9.95.

2. The respondents contend that the order of the Tribunal in O.A. 181/96 has been stayed by the Hon'ble Supreme Court in SLP No. 48/97 and therefore, the applicant is not entitled to the reliefs claimed in sub para (a) of Para 8 of the Original Application. Regarding the prayer in sub para (b) of Para 8, the respondents contend that the ad hoc promotion of the applicant was made clearly informing him that it would not confer on him any right for continuation and that as the promotion was not extended beyond 3.12.95, the claim of the applicant for payment of pay and allowances attached to the post of Operator is not sustainable.

3. When the application came up for hearing, noticing that the order in O.A. 181/96 has been stayed by the Supreme Court in SLP 48/97, the counsel on either side agreed that the prayer of the applicant for promotion can be directed to be considered in accordance with the result of the SLP as and when the SLP is disposed of. Regarding the claim of the applicant for pay and allowances attached to the post of Operator w.e.f. 3.9.95, it is agreed that if the applicant makes a representation in that behalf to the respondents, the same would be considered and a reasoned order would be given to the applicant within a reasonable time frame.

4. In view of the above submission by the counsel on either side, the application is disposed of finally with the following directions:

"a) the claim of the applicant for regular promotion to the post of Operator shall be taken up for consideration by the respondents after the SLP filed by the respondents against the order of the Tribunal in O.A. 181/96 namely, the SLP No. 48/97 is disposed of by the Hon'ble Supreme Court, in accordance with

law and according to to the decision of the Sureme Court;

(b) Regarding the claim of the applicant for pay and allowances attached to the post of Operator w.e.f. 3.9.95, the applicant may make within three weeks from today, a representation to the second respondent and the second respondent is directed to consider it and to pass a speaking order on the representation within a period of one month of the receipt of the representation.

5. The Original Application stands disposed. No costs.

Dated the 18th June, 1997.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

kmn


A.V. HARIDASAN
VICE CHAIRMAN