

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.365/09

Thursday this the 17th day of June 2010

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

V.J.Xavier,
S/o.Joseph,
Bosun (now Skipper in charge),
Central Institute of Fisheries Nautical
& Engineering Training Unit, Chennai.
Residing at Velivil House, BTS Road,
Devankulangara, Edappally, Kochi – 24.

...Applicant

(By Advocate Mr.TA Rajan)

V e r s u s

1. Union of India represented by Secretary,
Government of India, Ministry of Agriculture,
Department of Animal Husbandry,
Dairying and Fisheries, New Delhi.
2. The Director,
Central Institute of Fisheries, Nautical
& Engineering Training, Foreshore Road,
Kochi – 16.

...Respondents

(By Advocate Mr.Sunil Jacob Jose,SCGSC)

This application having been heard on 17th June 2010 this
Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is presently working as Skipper-in-Charge under
the 2nd respondent, namely, the Director, Central Institute of Fisheries
Nautical and Engineering Training, Kochi and posted in its Chennai unit.
His grievance is that though he was detained for duty for the closed

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holidays and national holidays, yet the respondents have not granted him the compensatory off in lieu of them. His Annexure A-1 representation dated 28.8.2008 and Annexure A-2 representation dated 20.10.2008 have also not been considered. According to him, he was detained for duty and not allowed to leave the Head Quarters on 12.7.2008, 13.7.2008, 15.8.2008, 16.8.2008 and 17.8.2008, 13.9.2008, 14.9.2008, 1.10.2008, 2.10.2008, 4.10.2008 and 5.10.2008. Out of them, 15.8.2008, 1.10.2008 and 2.10.2008 were national holidays on account of Independence Day, Ramzan and Gandhi Jayanthi respectively. Other days were his weekly holidays as the office is observing five days a week. He has, therefore, sought a direction to the respondents to grant him the compensatory off for the aforesaid days on which he was detained for duty without allowing to leave the station.

2. The respondents in their reply has not denied the facts that they are observing five days a week system and the applicant is entitled for compensatory off for the closed days and public holidays on which he was detained for duty without allowing him to leave the station. However, their contention is that it is the discretion of the competent authority to permit him to leave the Head Quarters on weekly holidays and public holidays. Further, they have submitted that the applicant being a Skipper-in-Charge has to be employed whenever the requirement arises and he cannot be allowed to leave the Head Quarters.



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3. We have heard Shri.T.A.Rajan for the applicant and Ms.Sheeja on behalf of Shri.Sunil Jacob Jose,SCGSC for the respondents. It is an undisputed fact that the applicant was detained for the aforementioned national holidays and closed holidays. The contentions of the respondents are that he could not be relieved because of his nature of duty as Skipper-in-Charge and it was well within the discretion of the respondent to detain him on holidays. No doubt, depending upon the exigency of the work, the respondents can detain any employee on duty on holidays/closed days but as per the existing rules/instructions they are bound to grant them compensatory off in lieu thereof. Weekly holidays are granted to the Government employees for the purpose of enjoying some leisure time after continuous work and compensatory off is prescribed to meet such situations where the employee cannot be granted weekly off/holidays because of the exigency of work. The respondents have, therefore, no discretion in denying the compensatory off to the employee. We, therefore, allow this OA and direct the respondents to grant the applicant compensatory off for the aforementioned national holidays and closed holidays on which dates he was detained for duty and not permitted to leave the Head Quarters. They shall issue necessary orders in this regard within a period of one month from the date of receipt of a copy of this order. There shall be no order as to costs.

(Dated this the 17th day of June 2010)


K.GEORGE JOSEPH
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

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