

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATED THE 12TH DAY OF OCTOBER, 1993

CORAM

The Hon'ble Mr. Justice Chettur Sankaran Nair, Vice Chairman
The Hon'ble Mr. S. Kasipandian, Administrative Member

O. A. No. 397/91

K. M. Abdulla Koya .. Applicant

Vs.

1. The Director, National Research
Centre for Spices, Marikunnu, Calicut.
2. Director General, ICAR, Krishi
Bhavan, New Delhi.
3. The Secretary, Ministry of
Finance, Government of India,
New Delhi. .. Respondents

Mr. P. V. Madhavan Nambiar .. Advocate for respondents

Mr. P. V. Mohanan .. Advocate for applicant.

J U D G M E N T

Chettur Sankaran Nair(J), Vice Chairman.

Though several questions were raised in the application, learned counsel for applicant limited his contentions only to one of these. According to him service rendered by applicant in S. Grade and other equal grades is liable to be counted for grant of a scale after 8 years.

2. Applicant was working as a S-I Scientist in the I.C.A.R. when the National Research Centre for Spices was constituted. On completion of eight years service, a Scientist is eligible to be placed in the

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senior scale of Rs.3000-5000 and after another eight years he is eligible to be placed in Rs.3700-5700 scale subject to his selection on possessing necessary qualifications. According to applicant the service rendered by him in S.Grade and as Research Assistant is liable to be counted in terms of Annexure.A.16 order passed in pursuance of the Judgment of this Tribunal in O.A.511/90.

3. According to respondents, applicant is entitled to count his services for this purpose only with effect from 1.7.90, when he came into the S-I grade, though Annexure.A.16 indicates that service rendered in the S.Grade or as Research Assistant is liable to be counted for reckoning eligibility for the scale Rs.3000-5000. But, the claim of applicant was rejected by Annexure.A.21 taking the view that only service rendered in S-I grade will be taken for computation. Counsel submits that there is an apparent conflict between the views in Annexures A.16 and A21 decisions.

4. Annexure.A.21 does not disclose any reason and therefore, we are not in a position to examine it, on merits. Be that as it may, applicant has made a representation against Annexure. A.21. This must be considered by 2nd respondent in the light of the principles enunciated in O.A.511/90. We allow the applicant to file a fresh representation incorporating all his contentions within one month from today. If a representation is so made, second respondent will take

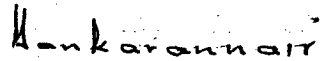
a decision thereon and communicate the same to applicant within four months of the date of receipt of the representation. Interim orders made in this application will enure to applicant, till a decision is taken by the second respondent.

5. Application is disposed of. No costs.

Dated the 12th day of October, 1993.



S. Kasipandian
Administrative Member



Chettur Sankaran Nair(J)
Vice Chairman

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List of Annexures.

1. Annexure A.16 ... True copy of the Letter No.10(5)
92-Per.IV dated 5.2.1992.
2. Annexure.A.21 ... Proceedings No.F.9(81)/92 Estt
dated 16.2.1993.