

O.A. NO. 400 OF 2012

CORAM:

1. **R.Lekha**
Sales Man, NIFPHATT, Cochin - 16
Residing at NIFPHATT Staff Quarters No. Block 5, B-12
Pulleppady, Cochin - 18
2. **S.Padmakumari**
Upper Division Clerk, NIFPHATT, Cochin - 16
Residing at NIFPHATT Staff Quarters No. Block 2, C-5
Pulleppady, Cochin - 18

... Applicants

1. Union of India represented by the Secretary
to Government of India
Ministry of Agriculture
Department of Animal Husbandry, Dairying & Fisheries
New Delhi
2. The Director
National Institute of Fisheries Post Harvest
Technology and Training
(NIFPHATT), P.B.No.1801
Cochin - 16

The grievance of the applicants in this Original Application is that the respondents have not reckoned the period of ad-hoc service rendered by them prior to their regularization in the present post for purpose of reckoning the period of service for granting the benefits of ACP and MACP Scheme. The applicants seek the following reliefs:-

(a) Call for the records leading to the issue of Annexure A-2, A-4, A-7, A-10 and A-12 orders and quash them.

(b) To declare that the applicants are entitled to get reckoned the period of ad-hoc service rendered by them prior to the regularization for reckoning the period of service rendered by them for granting the benefits under ACP and MACP Scheme.

(c) To direct the respondents to sanction the ACP/MACP benefits to the applicants by considering their continuous eligible service with effect from the date of entry into the service including the service rendered on ad-hoc basis with effect from 18.06.1994 in the case of the applicant No.1 and with effect from 07.03.1988 in the case of the applicant No.2 with all consequential benefits including arrears and interest as expeditiously as possible at any rate within a reasonable time frame."

2. It appears that the applicants had submitted representations to the respondents. Annexure A-5 dated 03.08.2011 (at Page 20 of the paper book) is the representation submitted by applicant No.1 to respondent No.2 and Annexure A-13 dated 27.06.2011 (at Page 32 & 33 of the paper book) is the representation submitted by applicant No.2 to respondent No.1. However, both the representations remain undecided so far.

3. Respondents in their reply have stated that after receiving the representations, applicant No.1 was directed to furnish copies of all relevant documents in the representation. However, no reply was received from the applicants. Hence respondents could not process the matter further.

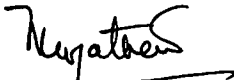
4. We have heard Mr.I.G.Manoharan, learned counsel for applicants and Mr.A.D.Raveendra Prasad, ACGSC, learned counsel for respondents. After hearing the learned counsel on both sides, we are of the opinion that the Original Application can be disposed of with a direction to the

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respondents to consider the aforesaid representations. Accordingly, we direct the competent authority of the respondents to consider Annexures A-5 and A-13 representations within two weeks from the date of receipt of a copy of this order. Respondent No.1 or any other competent authority shall give a personal hearing ^{to} of the applicants and shall consider all aspects mentioned in their representations. The said competent authority shall consider the pleadings and records in this Original Application also while arriving at a decision. This exercise shall be completed within two months from the date of receipt of a copy of this order. The decision taken on the representations shall be communicated to the applicants concerned.

5. Original Application is **disposed** of accordingly. Parties shall bear their own costs.

Dated, the 16th July, 2014


MINNIE MATHEW
ADMINISTRATIVE MEMBER


U.SARATHCHANDRAN
JUDICIAL MEMBER

vs