

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 412 of 1995

Thursday, this the 25th day of July, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN  
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. A.K. Jaisingh,  
S/o A.N. Kunjappan, Bosun (T-I-3),  
Central Institute of Fisheries Technology,  
Matsyapuri PO, Cochin-682 029 .. Applicant

By Advocate Mr. PV Mohanan

Versus

1. The Director General,  
Indian Council of Agricultural Research,  
Krishi Bhavan, Dr. Rajendra Prasad Road,  
New Delhi - 110 001
2. The Director,  
Central Institute of Fisheries Technology,  
Matsyapuri PO, Cochin-682 029 .. Respondents

By Advocate Mr. P Jacob Varghese

The application having been heard on 25th July 1996,  
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN.

The short question arising for consideration is, whether Bosuns (T-1-3) in the scale of Rs. 1400-2300 are entitled to get 'messing allowance' admissible to Officers or not. Respondent Indian Council of Agricultural Research (for short ICAR) took the view (Annexure A-7) that 'messing allowance' on the scale admissible to Officers could be granted to only those in Rs. 1600-2660 scale.

2. Shorn of details, what we have to consider is, whether a person in the scale of Rs. 1400-2300 is an 'officer' or not.

contd...2

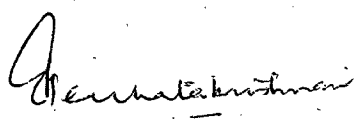
According to respondents, only those in the scale of Rs. 1600-2660 are 'officers' for purposes of grant of messing allowance. The matter had come before us earlier and we directed consideration of the matter by the ICAR, pointing out that the expression 'Officer' by itself is not conclusive but is only generic. The Council took the view that only those in the scale of Rs. 1600-2660 are officers for the purpose aforementioned.

3. Fact finding authorities may be required to make decisions involving a broad spectrum of matters, ranging from the obvious to the just conceivable, or debatable. The correctness of the findings made by the fact finding authority, will not be amenable to the judicial review. It is not the decision, but the decision making process which is subject to review. So viewed, the finding is not that unreasonable or patently absurd, to merit interference. We, therefore, decline jurisdiction.

4. But that is not to say that what is not patently unreasonable, is proper in the broad sense. Whether those like applicants who go on the high seas should not be paid a higher allowance in the prevailing circumstances, is a matter which certainly should receive consideration and this will be considered by the Governing Body of the ICAR. There is no reason why we should not trust the good sense of the Governing Body to take a good and sound decision.

5. Subject to what is stated above, we dismiss the application. Parties will suffer their costs.

Dated the 25th July, 1996

  
PV VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

List of Annexures:

1. Annexure A7: True copy of Proceedings No.F.5-46/90-91/Bills dated 5/4/94 issued by 2nd respondent