

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A. NO: 565/91

199

~~XXXXXXXXXX~~  
T.A. NO:

DATE OF DECISION 21.10.1992

Shri K.A.Koya Petitioner

Shri C.U.Singh Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri H.R.Bharne Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K.Dhaon, Vice Chairman

The Hon'ble Mr. M.Y.Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

ND

(S.K.Dhaon)  
Vice Chairman

mbm\*

(9)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

OA.NO. 565/91

Shri Katharakath Abdulrahman Koya ... Applicant

V/S.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice S.K.Dhaon  
Hon'ble Member (A) Shri M.Y.Priolkar

Appearance

Shri C.U.Singh  
Advocate  
for the Applicant

Shri H.R.Bharne  
Advocate  
for the Respondents

ORAL JUDGEMENT

Dated: 21.10.1992

(PER: S.K.Dhaon, Vice Chairman)

On or before 11.5.1988 the applicant and one Shri L.J.Giriyan were employed as a Skipper under the jurisdiction of Directorate of Fisheries, Government of Goa. On that day a Memorandum was issued by the Director of Fisheries stating therein that since the services of the applicant and Shri Giriyan had been declared surplus, they were required to give their option for voluntary retirement on or before 10.6.1988 failing which their services would be terminated.

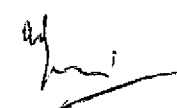
2. Shri L.J.Giriyan came to this Tribunal by means of OA. 396/88. This Tribunal went into the question as to whether the services of Shri Giriyan could be declared as surplus and held that the same could be done. However, this Tribunal observed that in case Shri Giriyan sought voluntary retirement, the benefit of the same may be given to him. This Tribunal also made a recommendation that the Goa Administration may try to find an alternate job for Shri Giriyan.

3. It appears that in pursuance of the said direction of the Tribunal, the Under Secretary (Fish) of the Government of Goa on 24.12.1991 issued a notice calling upon Shri Giriyan to intimate latest by 1.1.1992 whether he would be willing to retire voluntarily from service. It is stated at the Bar that in pursuance of the said notice Shri Giriyan gave his option seeking voluntary retirement on 19.5.1992. The Government of Goa accepted the option given by Shri Giriyan to retire voluntarily from service. The order further stated that Shri Giriyan would be stand retired w.e.f. 11.6.1992. Certain terms and conditions were also incorporated in the said order.

4. Shri C.U.Singh, learned counsel for the applicant states that the applicant now feels that he should have exercised the option of voluntary retirement given to him on 11.5.1988. The learned counsel states that in case we pass an order putting the applicant at par with Shri Giriyan, this application will not be pressed.

5. Having considered the matter carefully, we are of the opinion that it is a fit case where even though the applicant has been prosecuting this application till today, a lenient view should be taken and a direction should be issued to the State of Goa to put him (the applicant) at par with Shri Giriyan. Accordingly, we direct that a notice similar in contents with that of the notice given to Shri Giriyan on 24.12.1991 shall be issued to the applicant giving him an option to seek voluntary retirement from a future date and, thereafter, if the applicant seeks voluntary retirement, an order shall be passed in terms similar to those passed in the case of Shri Giriyan on 19.5.1992.

6. In view of the orders passed by us, this application is dismissed as infructuous but subject to the directions given above. We may note that we have passed this order after hearing Shri Bharne, learned counsel for the respondents.

  
(M.Y. PRIOLKAR)  
MEMBER (A)

  
(S.K. DHAON)  
VICE CHAIRMAN