

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.432/97

DATE OF ORDER : 16-04-1997

Between :-

Arabinda Ghosh

... Applicant

And

1. Union of India, rep. by the
Secretary to the Govt. of India,
M/o Food Processing Industries,
Panchsheel Bhavan, Khelgao Marg,
New Delhi - 110 044.
2. The Director General, Fishery Survey
of India, Botawala Chambers, Sir P.M.
Road, Mumbai - 400 001.
3. The Zonal Director,
Fishery Survey of India,
Beach Road, Visakhapatnam - 530 001.

... Respondents

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Counsel for the Applicant : Shri V. Venkateshwar Rao

Counsel for the Respondents : Shri V. Bhimanna, CGSC

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri B.S.Jai Parameshwar,
Member (J)).



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(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

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Heard Shri V.Venkateshwar Rao, learned counsel for the applicant and Shri V.Bhimanna, learned standing counsel for the respondents.

2. The applicant herein was initially appointed as Jr. Deckhand with effect from 1-2-72 and thereafter as Jr.Deckhand-cum-Greaser with effect from 22.2.80. He was promoted as Sr. Deckhand Greaser with effect from 12-10-87 in the scale of pay of Rs.975-1540. While working as such he appeared for the examination as Engine Driver of Motor Fishing Vessels conducted by the Govt. of India, Mercantile Marine Department and passed the said examination. After passing the said examination he became eligible for appointment as Chief Engineer Gr.II in the scale of pay of Rs.2375-3500. It is stated that he was promoted to the said post by the competent authority during the period from 9-8-90 to 30-11-90 against a vacant post on board on adhoc basis. Thereafter the 2nd respondent vide his order dt.13-11-90 promoted the applicant on adhoc basis for a period of 6 months with effect from the date of joining and transferred him to Visakhapatnam base.

3. It is his grievance that after he joined in Visakhapatnam he was not given the scale of pay of Rs.2075-3500 and that his pay was restricted under FR 35. The restriction of his pay and denial of pay and allowances attached to Chief Engineer is violative of the rules and that he was asked to work as Chief Engineer Gr.II at intermitent breaks. However, the applicant submits that he made a representation dt.16-5-96 to Respondent No.3. There was

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no response to the representations and again submitted representation dt.17-6-96 to Respondent No.2 and there was no response to the said representation also. It is stated that the applicant continued as Chief Engineer Gr.II and now he has filed this OA for regularisation as Chief Engineer Gr.II with immediate effect in the scale of Rs.2075-3500 with all consequential benefits such as arrears of pay and allowances, seniority etc.,.

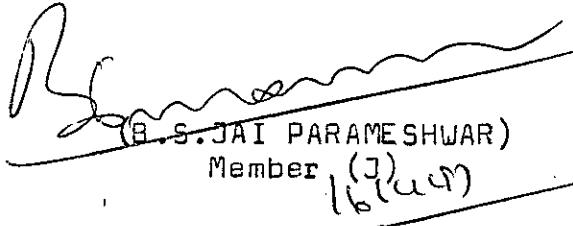
4. The applicant has relied upon the decision in OA 13/A&N/92 of the Calcutta Bench of this Tribunal in support of his case.

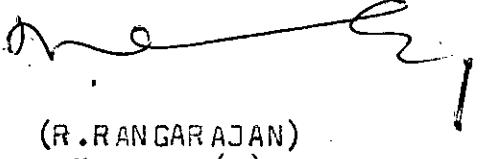
He has also relied ^{on} the decision rendered by the Ernakulam Bench of the CAT in TA 93/87 & 100/87 on 26-3-89.

5. Since the representation of the applicant has not been considered by the Respondent No.2 we feel it appropriate to direct the Respondent No.2 to consider the same bearing in mind the principles enunciated by the Calcutta Bench and Ernakulam Bench of this Tribunal. The Respondent No.2 shall consider the representation within a period of 2 months from the date receipt of a copy of this order and inform the applicant suitably.

6. With these observations, the O.A. is disposed of with no order as to costs.

7. The applicant is at liberty to approach the Tribunal thereafter if he is aggrieved by the reply to be given by the respondents.


(B.S.JAI PARAMESHWAR)
Member (J)
16/4/97


(R.RANGARAJAN)
Member (A)
16/4/97
D.R (J) 18-4-97