

.1.

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00844/2016

Friday, this the 31st day of May, 2019

CORAM:

HON'BLE Mr.E.K.BHARAT BHUSHAN,	...ADMINISTRATIVE MEMBER
HON'BLE MR.ASHISH KALIA,	...JUDICIAL MEMBER

T.V.Thampi,
Assistant Foreman Welding (Retd),
IFP, Kochi-16,
Residing at 'Thottadiyil',
Amballur, Chalakapara,
Kulayettikara P.O.,
Ernakulam – 682 315.

....Applicant

(By Advocate Ms.Sneha rose)

V e r s u s

1. The Secretary,
Government of India,
Ministry of Agriculture,
Department of Animal Husbandry and Dairying,
KrishiBhavan, New Delhi – 110 001.
2. The Director,
Integrated Fisheries Project,
National Institute of Fisheries,
Kochi – 682 016.
3. The Director,
National Institute of Fisheries,
Post Harvest Technology & Training,
Government of India,
Kochi – 682 016.

....Respondents

(By Advocate Mr. S.Ramesh, ACGSC for Respondents)

.2.

This application having been heard on 29th May, 2019, the Tribunal on 31st May, 2019 delivered the following :

ORDER

HON'BLE Mr.E.K.BHARAT BHUSHAN, ...ADMINISTRATIVE MEMBER

OA No.844/2016 is filed by Shri T.V.Thampi, who was working as Assistant Foreman in the Integrated Fisheries Project, Kochi and had retired from service on 01.05.2001. The applicant was allowed a scale of pay of Rs.4500-7000/- with effect from 01.01.1996 whereas he claims that he is entitled for higher pay scale of Rs.5000-8000/- with effect from the said date, on implementation of 5th Pay Commission recommendation. Similarly placed persons who had approached this Tribunal through OA No.673/2003 were allowed the benefit in pursuance to the decision of this Tribunal. The applicant claims that he is entitled to the same benefit and had represented his case before the 3rd Respondent.

2. In response, he was informed as follows:

“Sub: Granting of pay scale in the Scale of Pay of Rs.5000-8000
instead of Rs.4500-7000 with effect from 01.01.1996 – reg.
Ref: Representation dated 14.03.2016.

Sir,

With reference to your representation cited on the above mentioned subject, it is hereby informed that M/o finance in OA 231/2010 vide U.O.No.56/11/2011-IC dated 14.5.2012 has clearly mentioned that as per the established practice, the benefit of the Court/CAT judgments are restricted to the applicants only and the same is not extended to the non-applicants. Shri T.V.Thampi is not an applicant in the OAs cited.”

.3.

3. The case was finally heard on 29.05.2019 with Shri K.Krishnamurthy representing Ms.Sneha Rose for the applicant and Ms.Kavya for Shri S.Ramesh, learned ACGSC for the respondents. Facts in this OA being entirely similar to those in OA No.673/2003, we direct that order in the said OA is of declaratory nature and applicant in this OA is entitled to the benefit as claimed. The reliefs sought in the OA are accordingly allowed. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures in O.A. No.180/00844/2016

1. **Annexure A1:** True copy of the order in OA No.570/2002 dated 02.09.2002
 2. **Annexure A2:** True copy of the order dated 17.11.2005 in OA No.637/3003.
 3. **Annexure A3:** True copy of the representation dated 02.11.2010.
 4. **Annexure A4:** True copy of the representation dated 14.03.2016.
 5. **Annexure A5** True copy of reply No.A3/Misc/2014/719 dated 02.05.2016.
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