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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No.260/00875/ 2014
Cuttack this the 12th day of December, 2014

CORAM
HON'BLE MR.R.C.MISRA, MEMBER (ADMN.)

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Haramohan Patnaik, aged about 59 years, S/o Late Lingaraj Patnaik at present working as Highly Skilled Gr-I, H.S.K.-I, at M.T Complex, INS Chilka, PO – Naval Base, Chilika, District Khurda, Odisha – 752037.

...Applicant

(Advocate: M/s. S.R.Nayak, M.K.Panda, N. Sen)

VERSUS

1. Union of India represented by the Secretary to the Government of India, Ministry of Defence, R.K.Puram, New Delhi – 110 001.

2. The Chief of Naval Staff, Naval Headquarters, Director of Civilian Personal Sena Bhawan, Room No. 100, D-11 Wing, New Delhi – 110 001.

3. Flag Officer Commanding-In-Chief, Eastern Naval Command Visakhapatnam, Mukhyalaya, Poorv Nausena Kaman, Nausena Base, District Visakhapatnam, Andhrapradesh – 530014.

4. Commanding Officer, INS Chilika, PO Naval Base, District Khurda – 752037.

... Respondents

(Advocate: Mr. G.Singh)

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O R D E R (ORAL)

R.C.MISRA, MEMBER (A):

Heard Shri S.R.Nayak, learned counsel for the applicant. and Shri G. Singh, learned Addl. CGSC, for the respondents on the question of admission.

2. In this Original Application the applicant has approached this Tribunal for direction to be issued to the respondents to declare that he is entitled to the benefit of ACP by computing the date of his initial

appointment even if regularized subsequently, and to direct the respondents to re-fix his pay forthwith and disburse the arrears.

3. It is the case of the applicant that the respondents have granted the benefits under the ACP from 4.2.1980 which is the date of his regularization whereas, similarly placed persons have been given the said benefit of ACP from the date of their initial appointment. In this connection, he has relied on a decision of the Hon'ble Supreme Court in ***Indrapal Yadav Vs. UOI & Ors.*** reported in 1985 (2) SLJ 58 (C), wherein, it has been held that workmen who are similarly situated in work, are entitled to similar treatment. Applicant has made a representation dated 7.1.2013, to the Commanding Officer, INS Chilika (Respondent No. 4), ventilating his grievance and having received no response, he has approached this Tribunal. Since the representation of the applicant has not yet been considered, at this stage, without entering into the merits of the matter, I direct respondent No. 4 to consider and dispose of the representation, if it is still pending, and pass a reasoned and speaking order within a period of eight weeks from the date of receipt of this order under intimation to the applicant. The O.A. is disposed of at the stage of admission.

4. As prayed for by the learned counsel for the applicant, a copy of this order along with the paper book, be sent to the respondent No. 4 at the cost of the applicant for which, postal requisites be deposited by

16.12.2014. A free copy of this order be made available to learned counsel for both sides.

(R.C.MISRA)
MEMBER(Admn.)

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