

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.424/2002

Tuesday this the 21st day of September, 2004.

C O R A M

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

Mr.K.G.Gopakumar
Radio Mechanic
Yard Service Centre
Naval Ship Repair Yard
Naval Base
Kochi - 682 004

: Applicant

[By Advocate Mr.K.P.Dandapani]

Vs.

1. The Union of India represented by
Secretary to Government,
Ministry of Defence,
Government of India,
New Delhi - 110 001.
2. The Flag Officer,
Commanding-in-Chief,
Southern Naval Command,
Naval Ship Repair Yard,
Kochi - 682 004.

: Respondents

[By Advocate Mr.C.Rajendran, SCGSC]

The application having been heard on 21.09.2004, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN

The applicant was initially appointed as a Radio Mechanic under the Southern Naval Command on casual basis through Employment Exchange on 19.08.1987. He had passed SSLC as also ITI, the qualification prescribed for regular appointment. The casual service of the applicant between 19.08.1987 to 31.01.1989 had artificial breaks. The applicant was regularised on the post with effect from 01.02.1989. The applicant represented for regularisation condoning artificial breaks with effect from the

date of his initial engagement as casual labourer on the basis of circular dated 26.09.1996. In reply to this the applicant was informed by Annexure A-2 letter that there was no indication that he had filed any original application with regard to regularisation and if the said information was not furnished, his representation could not be forwarded. Aggrieved by this, the applicant sought the following reliefs:-

- (i) Call for the records leading to Annexure A-2 and set aside the same,
- (ii) direct the respondents to regularise the period from 19.09.1987 to 31.01.1989 during which the applicant has worked on casual basis, and give all consequential benefits, extending the benefit of the orders in O.A.Nos. 434/1989 and 609/1989, within a period of three months.
- (iii) such other appropriate orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

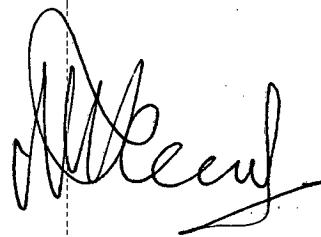
2. Respondents contend that in the case of industrial employees the O.A.No.1025/2001 filed by them was disposed of directing them to make representation to the Secretary, Ministry of Defence and to dispose of the representation within three months and that as the case of extending the benefit to the industrial employees is pending consideration by the Naval Headquarters, this Original Application is devoid of merit.

3. When the application came up for hearing the learned counsel on either side agreed that the application can be disposed of directing the applicant to make a representation to the 1st respondent and directing the 1st respondent to take appropriate decision on the representation and to communicate the applicant the decision within a reasonable time limit.

4. In the light of the above submission made by the learned counsel on either side, the application is disposed of directing the applicant to make a detailed representation to the first respondent projecting his grievances and directing the 1st respondent to consider the representation in accordance with the rules, instructions and rulings in that regard and to give the applicant an appropriate reply within a period of three months from the date of receipt of a copy of this order. No order as to costs.

Dated, the 21st September, 2004.

H.P.DAS
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

vs