

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.432/06

Friday this the 7th day of December 2007

C O R A M :

**HON'BLE Mrs.SATHI NAIR, VICE CHAIRMAN
HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER**

P.Gopalakrishnan, S/o.Padmanabhan,
Fitter General Mechanic Highly Skilled,
Office of the Garrison Engineer (Air Force),
Military Engineering Service, Trivandrum – 31.Applicant

(By Advocate Mr.P.K.Madhusoodhanan)

Versus

1. Union of India represented by its Secretary,
Ministry of Defence, New Delhi.
2. Chief Engineer, Head Quarters,
Southern Command, Pune – 1.
3. Chief Engineer (Navy)
Station Road, Vizhakapatnam – 4.
4. Garrison Engineer (independent) Project,
Vizhakapatnam.
5. Garrison Engineer (Air Force),
Military Engineering Service, Trivandrum – 31.Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan,SCGSC)

This application having been heard on 7th December 2007 the
Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mrs.SATHI NAIR, VICE CHAIRMAN

The applicant has filed this O.A seeking the following reliefs :-

1. Declare that the applicant is eligible and entitled to be granted with 2nd Assured Career Progression Scheme upgradation benefits in higher scale of pay of Rs.5000-150-8000/- with effect from 9.8.99 fixing his pay accordingly and disburse to him all benefits, including arrears of pay and allowances, arising therefrom in pursuance of Annexure A-1 and as ordered by the Government of India, without any further delay on the part of the respondents.

2. Issue necessary directions to the respondents to regularise the service of the applicant in the Dry Dock, Vizhakapatnam as Luskar during the period, in between 27.8.1973 to 30.4.1978, if not already regularised and fix the pay of the applicant in scale of Rs.5000-150-8000/- with effect from 9.8.99 as sanctioned in Annexure A-1 granting him 2nd Assured Career Progression Upgradation benefits and disburse all consequential financial benefits, including arrears arising therefrom to the applicant, within a time limit to be fixed by this Hon'ble Tribunal.
2. Reply statement, additional reply statement and rejoinder have been filed. We have heard both the sides for some time. After perusal of the records and hearing the pleadings on both the sides, we find that the crux of the matter lies in the delay that has occurred in the regularisation of the applicant's service rendered as a casual Luskar on contract basis under the Chief Engineer, Dry Dock, Vizhakapatnam from 27.8.1973 to 30.4.1978 and we also find from the records that the matter is under correspondence between the 2nd and 3rd respondents as evidenced by Annexures A-5 and A-6. Unless this matter is settled first the grant of ACP benefits cannot be processed further. In this view of the matter, we consider that it would suffice to meet the ends of justice if liberty is granted to the applicant to submit a representation for consideration of the regularisation of his services rendered as a casual Luskar in terms of Government of India, Ministry of Defence, New Delhi's letter No.790 62/CE/DDV/E1c/1808/S/D(LAB) dated 8.7.1977 to the 3rd respondent and direct the 3rd respondent to consider the representation.
3. Accordingly, the applicant is directed to submit a representation to the 3rd respondent within two weeks from the date of receipt of a copy of this order and the 3rd respondent, on receipt of such representation, shall take a decision and communicate the same to the applicant within a period

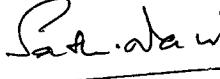
.3.

of two months and thereafter the grant of ACP and other consequential benefits as per eligibility shall be considered by the 5th respondent within a further period of two months.

4. The O.A is disposed of accordingly. No order as to costs.

(Dated the 7th day of December 2007)


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

asp