

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.439/2001.

Friday this the 25th day of May 2001.

CORAM:

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

A.A.Abdul Kadir,
Engine Driver, Class-II,
Central Institute of Fisheries,
Nautical & Engineering Training.
Vizag-1.

Applicant

(By Advocate Shri M.M.Muhammed)

Vs.

1. The Union of India,
represented by the
Secretary,
Ministry of Agriculture,
New Delhi.

2. The Director,
Central Institute of
Fisheries, Nautical and
Engineering Training,
Diwan's Road, Ernakulam.

Respondents.

(By Advocate Shri Govindh K. Bharathan, SCGSC)

The application having been heard on 25th May 2001
the Tribunal on the same day delivered the following:


O R D E R

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

The applicant was appointed as Engine Driver Class-II on regular basis on 23.9.91. Earlier he had worked on casual basis with intermittent breaks as Engine Driver as also Engine Room Assistant from 3.10.1978 to 30.11.1981. Stating that if his services as Engine Room Assistant and the services as Engine Driver on casual basis with intermittent breaks are all taken into account, he would have become eligible for the grant of benefit under the ACP scheme, the applicant made a representation to the 2nd respondent on 20.9.1999. As the

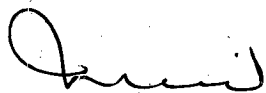
applicant did not get any response, this application has been filed for a direction to the respondents to consider and dispose of the representation A-1 and to declare that the services of the applicant prior to regular appointment is liable to be taken into account for the purpose of extending the benefit of Government of India O.M.No.35034/1/97/Estt(D) dated 9.8.1999.

2. We have heard the learned counsel of the applicant and also perused the pleadings in the O.A. We do not find anything prima facie in this application which calls for its admission and further deliberation. The fact that the applicant had been engaged during 1978 - 1981 as Engine Room Assistant and thereafter on casual basis with intermittant breaks for some period as Engine Driver is not in dispute.. He got regular appointment on the post only with effect from 23.9.1991. The claim of the applicant that the services as Engine Room Assistant as also casual service with intermittant breaks as Engine Driver has to be taken into account for counting the total service for the purpose of ACP scheme, is absolutely untenable. The instances stated in the application relate to treating of ad-hoc appointment followed by regularisation without breaks. The applicant was not appointed on ad-hoc basis and regularised without breaks. Therefore, he cannot compare his case with those cited.



3. In the light of what is stated above, the application is rejected under Section 19(3) of Administrative Tribunals' Act, 1985.

Dated the 25th May 2001.



T.N.T.NAYAR
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN

rv

A-1: True copy of the representation dated 20.9.1999 submitted by the applicant before the second respondent.