

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 444 of 2008

Wednesday, this the 10th day of June, 2009

CORAM:

Hon'ble Mr. George Paracken, Judicial Member
Hon'ble Ms. K. Noorjehan, Administrative Member

E. Prasanna, aged 52 years, Safaiwala,
DSC Centre, Cannanore, Edavana House,
Pathiriyad Post, Pinarai via Kannur District,
Pin 670 741.

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Applicant

(By Advocate – Mr. Johnson Gomez)

V e r s u s

1. Union of India, represented by the Secretary,
Ministry of Defence, South Block, New Delhi.
2. The Flag Officer in Commanding in Chief,
Head Quarters, Southern Naval Command,
Naval Base, Kochi - 682 004.
3. The Staff Officer (Civilian Personal), Headquarters,
Southern Naval Command, Cochin 682 004.
4. The Commandant, DSC Centre,
Cannanore 670 013.

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Respondents

(By Advocate – Mr. TPM Ibrahim Khan, SCGSC)

The application having been heard on 10.6.2009, the Tribunal on the same day delivered the following:

ORDER

By Hon'ble Mr. George Paracken, Judicial Member -

The applicant seeks declaration that she is entitled for first financial up-gradation under the Assured Career Progression Scheme reckoning 23.5.1988, i.e. the date of her initial entry in service on casual basis which has been subsequently regularized in terms of this Tribunal order in OA 425 of 1994 dated 18.3.1994. Applicant has made an Annexure A-3

representation dated 27.6.2008 in this regard. She has pointed out that she has rendered casual service from 23.5.1988 to 11.1.1990 in the Headquarters, Southern Naval Command. Consequent to the implementation of the order dated 18th March, 1994 in OA No. 425 of 1994 (supra), her casual services were regularized with all consequential benefits. Thereafter she was transferred to DSC Centre, Cannanore on 4th July, 1995. She has requested for grant of ACP benefits from 23.5.1988 the date on which she entered on casual basis. However, DSC Centre, Cannanore informed the applicant that she is not entitled to ACP benefits from 23.5.1988 as intimated by HQ, SNC, Cochin vide letter dated 16.5.2005 because the regularized casual period cannot be considered for ACP benefits.

2. We have heard Shri S. Biju for Mr. Johnson Gomez, learned counsel for the applicant and Ms. Jisha for Mr. TPM Ibrahim Khan, SCGSC, learned counsel for the respondents. The question to be considered in this case is whether the casual service rendered by the applicant is counted for the purpose of granting ACP benefits. This issue has already been considered by this Tribunal in OA No. 755 of 2000 in All India Naval Clerk's Association & Ors. Vs. Union of India & Ors. vide judgment dated 20.9.2002. In that order it has been held that since the casual engagement has been regularized by condoning the break in service except that for seniority, for the purpose of eligibility to appear in the departmental examination, their services should also be counted for the purpose of granting ACP scheme. The operative part of the said order is as under:

"13. In the conspectus of the facts and circumstances, we allow the OA and set aside the impugned order Annexure A-1 dated 30.5.2000 and declare that the applicants are entitled to ACP Scheme on the basis of their regularization from the date of their initial appointment (including the services rendered on casual basis). The respondents are directed to grant all consequential benefits of the Scheme in terms of this order, within three months from the date of receipt of a copy of this order. However, we are not inclined to grant any relief of interest on arrears, as prayed for in the OA."

3. In our considered view, this case is squarely covered by the aforesaid

judgment of this Tribunal in OA No. 755 of 2000 (supra). We therefore, allow this OA and direct the respondents to reckon 23.5.1988 as date of her regular appointment for the purpose of granting ACP benefits. Accordingly, we direct the 2nd respondent to grant her ACP benefits within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.


(K. NOORJEHAN)
ADMINISTRATIVE MEMBER.


(GEORGE PARACKEN)
JUDICIAL MEMBER

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