

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.445/2007

Friday this the 27th day of July, 2007.

CORAM:

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

C.V.Venugopalan,
Son of C.K.Velayudhan,
residing at Chirattapurakkal House,
Edamanakkadu P.O., Ernakulam
working as Casual labourer (Temporary Status)
Southern Naval Command, Kochi.

Applicant

(By Advocate Shri.Johnson Gomez)

Vs.

1. Union of India represented by the Secretary
to the Government, Ministry of Defence,
New Delhi.
2. The Chief of Naval Staff,
Naval Head Quarters, New Delhi.
3. The Flag Officer Commanding in Chief,
Southern Naval Command, Kochi.

Respondents

(By Advocate Shri. TPM Ibrahim Khan, SCGSC)

The application having been heard on 27.7.2007,
the Tribunal on the same day delivered the following.

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant in this case sought the following reliefs:

- i) To direct the respondents to consider the case of the applicant also in the light of the directions in O.A.No.635 of 2001 of this Hon'ble Tribunal and in pursuance of the existing rules regulations and instruction and to regularly appoint him in a Group D post of unskilled labourer within a time frame that this Hon'ble Court may deem fit and proper.
- ii) To direct the third respondent to consider Annexure A6 representation in the light of the directions in O.A.No.635/ of 2001 of this Hon'ble Tribunal and in pursuance of the existing rules,



regulations and instruction within a time frame that this Hon'ble Court may deem fit and proper.

- iii) Grant such other relief or reliefs that may be urged at the time of hearing or that this Hon'ble Tribunal may deem fit and proper in the nature and circumstances of the case.

2. Briefly stated, the applicant was initially engaged as Casual labourer in 1990 and was conferred temporary status with effect from March 2001 in accordance with the scheme framed by the Government of India, Department of Personnel & Training vide order dated 10.9.1993. For regular appointment in the case of the applicant, age relaxation was required but the respondents had not taken any action in that regard. In identical case vide A-5 order dated 8.2.2006 in O.A. 101/05 the Tribunal has passed the following order:

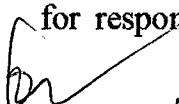
“Learned counsel for the applicants submitted that there are 15 applicants in this O.A. Out of them, barring three applicants, all have got the benefit of regularization which is the relief asked for in this O.A. The relief of regularization has not yet been made available to these three applicants so far based on certain grounds maintained by the respondents. Learned counsel for the applicants brought to my notice an order of this Bench of the Tribunal in O.A.635/01, which, according to him, covers an identical case. He would be satisfied if a direction is given to the respondents to duly consider and decide on these remaining three applicants also for extending the relief of regularization in the light of the contents mentioned in the above and in the light of the existing rules, regulations and instructions covering this matter within a time frame.

The learned counsel for the respondents has no objection for adopting such a course of action .

In the light of the above submissions, the O.A.is disposed of directing the respondents to duly consider the left out cases of the three applicants also in the light of the directions in O.A.635/01, and in pursuance of the existing rules, regulation and instructions and duly take a decision within a period of one month from the date of receipt of a copy of this order. There is no order as to costs.”

3. The applicant seeks an identical order in his case as well.

4. When the matter came up for hearing on the earlier occasions the counsel for respondents was directed to seek instructions as to whether the case of the



applicant is identical to those in the aforesaid O.A.101/05 as well as 635/01. The Counsel for respondents on instructions confirms that the case of the applicant is identical to the aforesaid cases.

5. In view of the above, there would be no impediment to treat this applicant as similarly situated in O.A.101/05 and accordingly all the benefits /concessions available to the applicant in the aforesaid O.A. 101/05 shall be equally extended to the case of the applicant as well. Ordered accordingly.

6. With the above directions this O.A.is disposed of. No costs.

Dated the 27 th July, 2007.



Dr.K.B.S.RAJAN
JUDICIAL MEMBER