

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 447/2005

Monday this the 3rd day of April 2006.

CORAM:

HON'BLE MR. N. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. V.A. Miraleedharan, aged 53 years, S/o. V.K. Ankappan, Carpenter, HS-2, Material Organization, Naval Base, Kochi-4, Residing at Vellimattam House, S.Chittoor.p.O., Kochi - 6782 027.
2. J. Leelamony, aged 48 years, D/o. Paramu Panicker, USL, Material Organization, Naval Base, Kochi -4, Residing at Leela Bhavan, Palluruthy Veli, Kochi - 682 006.
3. K.T. Vijayan, aged 55 years, S/o. Thevan, (Now ASK), Material Organization, Naval Base, Kochi -4, Residing at Koluthachira House, Cheppanam, Panangad. P.O.
4. S.M. Subramnayan, aged 58, S/o. Narayanan, Lab (SS) Material Organization, Naval Base, Kochi -4, Residing at Shanmughapuram Colony, Pachalam, Kochi - 12.
5. K.A. Larars, aged 52 years, S/o. K.K. Abdullakatty, Midanlam, Material Organization, Naval Base, Kochi -4, Residing at H.No. 3/44 B Nellikadavu, Fort Kochi.
6. Kiriakose Joseph, aged 48 years, S/o. P.V. Joseph, Painter, Material Organization, Naval Base, Kochi -4, Residing at Thekkel House, Eroor West. P.O., Tripunithura.
7. KN. Divakaran, aged 58 years, S/o. Nani, Lab (SS), Material Organization, Naval Base, Kochi -4, Residing at Kochathiruvil House, Cheranellur, Kochi.
8. A.V. Issac, aged 43 years, S/o. A.L. Varkey, Carpenter (HS) Material Organization, Naval Base, Kochi -4, Residing at Arakkal House, Chakkalakkal Road, Perumanoor.
9. T.P. George, aged 56 years, S/o. Peter, Carpenter, Material Organization, Naval Base, Kochi -4, Residing at Thekkampurath House, Nettoo.P.O., Maradu.
10. K.J. Joseph, aged 52 years, S/o. Valammann, Lab (SS) Material Organization, Naval Base, Kochi -4, Residing at Kizhakkattu Puliyakannu, Manakal, Piravom.
11. K. Rajappan, aged 59 years, S/o. Kujikunju, Midanlam, Material Organization, Naval Base, Kochi -4, Residing at Valiyaparambil Pathilil, Arattupuzha. P.O., Alappuzha.
12. P.A. George, aged 52 years, S/o. Antony, Lab (SS) Material Organization, Naval Base, Kochi -4, Residing at Pullanadu House, Kumbalanghi, Kochi - 682 007.
13. E.T. Sreenivasan, aged years, S/o. Thankappan, Lab (SS), Material Organization, Naval Base, Kochi -4, Residing at Elanthurathil House, Kuthangasserry, Nayarambalam (W).

14. C.K. Ambika, aged 38 years, D/o. Krishnan, USL,
Material Organization, Naval Base, Kochi -4,
Residing at Naduvilathara, Cheppanam, Panangad.P.O., Kochi.
15. V.K. Narayanan, aged 52 years, S/o. Krishnan, USL
Material Organization, Naval Base, Kochi -4,
Residing at Veliyaveetil House, Andikkadavu.P.O.,
Kandakadavu, Kochi - 682 008.
16. M.N. Pankajaksha Paricker, aged 54 years, S/o. Narayana Pillai, USL,
Material Organization, Naval Base, Kochi -4, Residing at
Valiyasseril Mana, Ambika, Market.P.O., Vaikom, Kottayam
17. Abubacker, aged 56 years, S/o. Mohammed, Lab (SS),
Material Organization, Naval Base, Kochi -4,
Residing at Aryan Tharayil House, Nettoor, Kochi.
18. M.V. Rajappan, aged 56 years, S/o. Velumban, USL
Material Organization, Naval Base, Kochi -4,
Residing at Mudutyoorakonam P.O., Panthalam, Kottayam
19. K.N. Raju, aged 49 years, S/o. Narayanan, A-Painter,
Material Organization, Naval Base, Kochi -4,
Residing at Kinnel House, Athiranguzha. P.O., Kottayam
20. K.V. Sudhan, aged 41 years, S/o. Velayudhan, USL,
Material Organization, Naval Base, Kochi -4,
Residing at Puthenthara House, Chilavannoor, Kochi - 20.
21. R. Venkitachalam, aged 55 years, S/o. Rangaswamy,
Material Organization, Naval Base, Kochi -4,
Residing at 9th Room, Keloth Mukkur, Kochi - 682 002.
22. P. Babu, aged 47 years, S/o. Padmanabhan, USL,
Material Organization, Naval Base, Kochi -4,
Cheruvelli Kizhakkathil House, Thekkachery, Kollam
23. V.T. Peter, aged 51 years, S/o. Thomas, USL
Material Organization, Naval Base, Kochi -4,
Residing at Veliparambil House, Vathuruthy, Kochi - 29.
24. Robert Figardeo, aged 52 years, S/o. Joseph, USL,
Material Organization, Naval Base, Kochi -4,
Residing at Pathisserry, Palluruthy, Kochi - 682 006.
25. M.S. Vasu, aged 56 years, S/o. Sankaran, USL
Material Organization, Naval Base, Kochi -4,
residing at Mothirapillil House, Nettoor.P.O., Maradu.
26. A. Raman, aged 51 years, S/o. Ayyankutty, Carpenter,
Material Organization, Naval Base, Kochi -4,
Residing at Kidumbil House, Binani Road, Palluruthy, Kochi
27. K.M. Joseph, aged 58 years, S/o. Mathan, USL
Material Organization, Naval Base, Kochi -4,
Residing at Kalathilveetil House, Perumanoor, Kochi -15.



28. A.C.Sivadasan, S/o Chothi USL,
Material Organization, Naval Base, Kochi-4,
Residing at Appeneth House, Kundannur, Maradu P.O.
29. T.V.Ramadevan, S/o Velappan SSL,
Material Organization, Naval Base, Kochi-4,
Residing at Thalkapully House, Kureekad P.O.,
Ernakulam.
30. K.G.Purushothaman, S/o Gopalan, Fitter,
Auto CTW, Naval base, Kochi-4.
Residing at Kudakuthumkara House,
Perumpalam P.O.,
Poochakkal, Alappuzha.
31. K.J.Xavier, S/o John,
Auto CTW, Naval Base, Kochi-4.
Residing at Kattuparambil House,
Rail Nagar Road, Vyttila, Kochi-682 019. Applicants

(By Advocate Shri K.K. Vijayakumar)

Vs.

1. Union of India, represented by the Secretary,
Government of India,
Ministry of Defence, New Delhi.
2. The Flag Officer Commanding – in -Chief,
Southern Naval Command, Naval Base,
Kochi-682 004. Respondents.

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

The application having been heard on 3.4.2006
The Tribunal on the same day delivered the following:

ORDER

HON'BLE MR. N.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Learned counsel for the applicants brought to my notice Annexures A-3 and A-4 which are the orders passed by this Tribunal in O.A.Nos. 632/03 and 706/03 respectively, covering the case of applicants in those O.As. who have made similar pleas and similarly situated to the applicants in this O.A. Based on the orders of the Tribunal in those applications alone, the applicants in this O.A. are entitled to the same benefit of that order, he avers.



2. Learned counsel for the respondents agrees with the view that, the applicants in those two mentioned O.As are similarly situated to the applicants in this O.A. and the refusal on the part of the respondents to grant the benefits so far to the applicants in this O.A. arises from the fact that, they are yet to get an order from this Tribunal on similar lines. He added that the instructions he has received were to the effect that, the benefit cannot be extended to the applicants in this O.A. suo motu till an order is received from this Tribunal on similar lines. Under these circumstances, I am of the view that, the benefit should be granted to the applicants in this O.A. also on the same ratio of the orders passed in those O.As.

3. Under these circumstances, O.A. is allowed and I direct the respondents to consider the claim of the applicants in this O.A. for financial upgradation of ACP reckoning the services rendered as casual labourers for making available the monetary benefits (without interest) flowing therefrom within a period of six months from the date of receipt of a copy of this order. No costs.

Dated the 3rd April 2006.



N.RAMAKRISHNAN
ADMINISTRATIVE MEMBER