

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.463/94

Tuesday, this the 12th day of April, 1994.

C O R A M

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

....

1. Sudhakaran S, Head Draftsman, Naval Air Technical School, Naval Base, Kochi--4.
2. Komalam V Nair, Tracer, -do-
3. Janamma MK, Draftsman, -do-
4. Geeta Palat, Printer, -do-
5. Pankajaksha Panicker R, Assistant Store Keeper, -do-
6. Saleem NH, Labourer, -do-
7. Suhra TM, Lower Division Clerk, -do-
8. Gowri KR, Labourer, -do-
9. Joseph AL, Artist Painter, Highly Skilled Grade II, -do-
10. Venugopal TK, Carpenter Skilled, -do-
11. Chandrika M, Lower Division Clerk, -do-
12. Reetha CT, Tracer, -do-
13. Balakrishnan KT, Electrician, Highly Skilled Grade II, -do-
14. Rita VA, Lower Division Clerk, -do-
15. Bharathy P, Draftsman, Naval Ship Repair Yard, Naval Base, Kochi-4
16. John OM, Tracer, DINT, Naval Base, Kochi-4.
17. N Havidal, Senior Draftsman, NSRY, Naval Base, Kochi-4.
18. Karthikeyan TC, Tracer, NSRY, Naval Base, Kochi-4.

....Applicants

By Advocate Shri K Shri Hari Rao.

Vs.

1. Union of India represented by Secretary, Ministry of Defence, New Delhi.
2. Chief Staff Officer (Personnel & Administration), Southern Naval Command, Naval Base, Kochi-4.

....Respondents

By Shri CN Radhakrishnan, Addl Central Govt Standing Counsel.

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicants seek a declaration for reckoning their casual service after condoning the breaks in their service. Ancillary reliefs

contd.

are also sought. Applicants submit that the judgement on OA 967/90 governs this case.

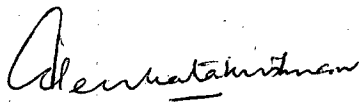
2. Pleas of similarity made in vague terms cannot be countenanced. Whether a person is similarly situated as the petitioner(s) or applicant(s) in a decided case is a question of fact, and there must be a fact adjudication preceding decision.

3. Counsel for respondents would submit that no benefit can be granted to applicants in the light of the decision in Excise Commissioner, Karnataka & another vs. V Sreekanta (AIR 1993 SC 1564).

4. We do not wish to express any opinion on the contentions advanced by the applicants or respondents. Applicants must at least in the first instance, seek a fact adjudication at the hands of their employer. We make it clear that such nebulous or sketchy representations like the representations produced as Annexure A3 to A20 cannot be of any use to anybody. Applicants must set out their case in detail and point out how their cases are similar to the case of applicants in OA 967/90. If they file proper representations within one month from today, a decision will be taken thereon within five months of the date of receipt of the representations.

5. Application is disposed of. No costs.

Dated the 12th April, 1994.



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN