

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A.No.49/2008**

Wednesday, this the 27<sup>th</sup> day of August, 2008

**CORAM:**

**HON'BLE DR.K.B.S.RAJAN, JUDICIAL MEMBER  
HON'BLE DR.K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

V.A.Reghu Prasad  
Assistant, Reg.Passport Office,  
Panampilly Nagar, Kochi.  
Residing at Veluthedath House,  
Pachalam, Kochi-12.

... Applicant

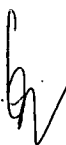
By Advocate Mr.P.Ramakrishnan

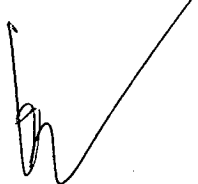
V/s

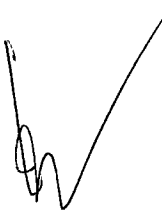
- 1 Union of India represented by  
Secretary to Government,  
Ministry of External Affairs,  
New Delhi-110 001.
- 2 The Joint Secretary (CPV) and  
Chief Passport Officer,  
Ministry of External Affairs,  
New Delhi-110 001.
- 3 The Regional Passport Officer,  
Regional Passport Office, Panampilly Nagar,  
Cochin-682 036.
- 4 Shri Ghanshyam Kansra,  
Superintendent, Regional Passport Office,  
JUDCO Trikoot-111 Building,  
Bhikaji Cama Place, RK Puram,  
New Delhi-110 066.
- 5 Smt.Mamta Kotia, Superintendent,  
Passport Office, Jiwan Prakash Building,  
Model Town Road, Jalandhar-144 001,  
Punjab.
- 6 Smt.Anil Grover, Superintendent,  
Regional Passport Office,  
HUDCO Trikoot-111 Building,  
Bhikaji Cama Place, RK Puram,  
New Delhi-110 066.





- 7 Smt. Gurjeet Kaur, Superintendent,  
Passport Officer, Jiwan Prakash Building,  
Model Town Road, Jalandhar :144 001, Punjab.
- 8 Shri N.C.Mitra, Superintendent,  
Regional Passport Office,  
HUDCO Trikoot-111 Building,  
Bhikaji Cama Place, RK Puram,  
New Delhi-110 066.
- 9 Shri N. K Kaushik, Superintendent,  
Regional Passport Office,  
Navachetna Kendra, 10 Ashok Marg,  
Lucknow-226 018, Uttar Pradesh.
- 10 Smt.K.K.Mani, Superintendent,  
Passport Office,  
Municipal Water Tank Building,  
West Boule Road, Tiruchirppalli-620 008.
- 11 Shri Krishan Chander, Superintendent,  
Regional Passport Office,  
HUDCO Trikoot-111 Building,  
Bhikaji Cama Place, RK Puram,  
New Delhi-110 066.
- 12 Smt Kiran Mittal, Superintendent,  
Regional Passport Office,  
HUDCO Trikoot-111 Building,  
Bhikaji Cama Place, RK Puram,  
New Delhi-110 066.
- 13 Shri Rajinder Pal, Superintendent,  
Passport Office, Srinagar,  
Jammu & Kashmir.
- 14 Shri N.K.Verma, Superintendent,  
Regional Passport Office,  
HUDCO Trikoot-111 Building,  
Bhikaji Cama Place, RK Puram,  
New Delhi-110 066.
- 15 Shri Madan S Rawat, Superintendent,  
Passport Office, Vikas Jyothi,  
Commercial Complex, Priyadharshini Nagar,  
Bareilly, U.P.
- 16 Smt.Sashi B Sadhana, Superintendent,  
Regional Passport Office, Navachetna Kendra,  
10 Ashok Marg, Lucknow – 226 018,  
Uttar Pradesh.



- 17 Shri Rajinder Prasad, Superintendent,  
Regional Passport Office, Navachetna Kendra,  
10 Ashok Marg, Lucknow – 226 018,  
Uttar Pradesh.
  - 18 Shri K. Vasanth Kumar, Superintendent,  
Regional Passport Office, Kummarguda,  
Secunderabad – 500 003, Andhra Pradesh.
  - 19 Shri K.S. Sapehia, Superintendent,  
Regional Passport Office, Sukhim,  
University Marg, Tonk Road,  
Jaipur-302 015, Rajasthan.
  - 20 Shri V.K. Sharma, Superintendent,  
Passport Office, Jiwan Prakash Building,  
Model Town Road,  
Jalandhar-144 001, Punjab.
  - 21 Shri P. Ponnaiyan, Superintendent,  
Passport Office, Jiwan Prakash Building,  
Model Town Road,  
Jalandhar-144 001, Punjab.
  - 22 Shri B Boopathy, Superintendent,  
Regional Passport Office, 8<sup>th</sup> Block,  
80 FT Road, Koramangala,  
Bangalore-560 095.
  - 23 Shri Malik Khan, Superintendent,  
Regional Passport Office, 8<sup>th</sup> Block,  
80 FT Road, Koramangala,  
Bangalore-560 095.
  - 24 Shri Budhi Sagar, Superintendent,  
Regional Passport Office, Biscmaun Tower,  
Bank Road, Patna-800 001, Bihar.
  - 25 Shri Tulsi Das, Superintendent,  
Regional Passport Office,  
HUDCO Trikoot-111 Building,  
Bhikaji Cama Place, RK Puram,  
New Delhi-110 066.
  - 26 Shri Sohan Lal Kahlat, Superintendent,  
Passport Office, Jiwan Prakash Building,  
Model Town Road, Jalandhar-144 001  
Punjab.
- 

- 27 Shri V Sekar, Superintendent,  
Regional Passport Office,  
8<sup>th</sup> Block, 80 FT Road, Koramangala,  
Bangalore – 560 095.
  - 28 Smt.S.Vijaya Lakshmi, Superintendent,  
Passport Office, Municipal Water Tank Building,  
West Boule Road, Tiruchirppalli-620 008,  
Tamilnadu.
  - 29 Shri T.N.Jayaram, Superintendent,  
Regional Passport Office, 8<sup>th</sup> Block,  
80 FT Road, Koramangala,  
Bangalore – 560 095.
  - 30 Shri A.G.Nalawade, Superintendent,  
Regional Passport Office,  
Manish Commercial Centre, Annie Besand Rd,  
Worli, Mumbai – 400 025., Maharashtra.
  - 31 Shri Raj Singh, Superintendent,  
Regional Passport Office,  
HUDCO Trikoot-111 Building,  
Bhikaji Cama Place, RK Puram,  
New Delhi-110 066.
  - 32 Shri M.Narayanan, Superintendent,  
Regional Passport Office, 8<sup>th</sup> Block,  
80 FT Road, Koramangala,  
Bangalore – 560 095.
  - 33 Smt.Kshama Sarin, Superintendent,  
Regional Passport Office,  
HUDCO Trikoot-111 Building,  
Bhikaji Cama Place, RK Puram,  
New Delhi-110 066.
  - 34 Smt.Asha Bhatnagar, Superintendent,  
Passport Office, CGO Building,  
Kamala Nehru Nagar, Ghaziabad,  
Uttar Pradesh.
  - 35 Shri R.D.Sharma, Superintendent,  
Regional Passport Office, Sukhim,  
University Marg, Tonk Road,  
Jaipur-302 015, Rajasthan.
  - 36 Smt.Kamlesh Seth, Superintendent,  
Regional Passport Office,  
HUDCO Trikoot-111 Building,  
Bhikaji Cama Place, RK Puram,  
New Delhi-110 066.
- 

- 37 Shri Daya Krishnan, Superintendent,  
Regional Passport Office,  
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Bhikaji Cama Place, RK Puram,  
New Delhi-110 066.
- 38 Shri Sushil Bhalla, Superintendent,  
Regional Passport Office, Navachetna Kendra,  
10 Ashok Marg, Lucknow-226 018.  
Uttar Pradesh.
- 39 Shri J.K.Srivastava, Superintendent,  
Regional Passport Office, Navachetna Kendra,  
10 Ashok Marg, Lucknow-226 018.  
Uttar Pradesh.
- 40 Shri Sudhakar Rastogi, Superintendent,  
Regional Passport Office, Navachetna Kendra,  
10 Ashok Marg, Lucknow-226 018.  
Uttar Pradesh.
- 41 Shri Sarad Kumar, Superintendent,  
Regional Passport Office, Navachetna Kendra,  
10 Ashok Marg, Lucknow-226 018.  
Uttar Pradesh.
- 42 Smt. Geeta N Bhagat, Superintendent,  
Regional Passport Office,  
HUDCO Trikoot-111 Building,  
Bhikaji Cama Place, RK Puram,  
New Delhi-110 066.
- 43 Mr. K.S. Shah, Superintendent,  
Passport Office, APMC Buildings,  
Pune Kumbharia Road, Dhumbai P.O.,  
Surat, Gujarat.
- 44 Shri A.A. Patel, Superintendent,  
Regional Passport Office, Gulbai Tekra,  
Ahmedabad -380 006, Gujarat.
- 45 Shri M P Jaiswal, Superintendent,  
Regional Passport Office, Navachetna Kendra,  
10 Ashok Marg, Lucknow-226 018.  
Uttar Pradesh.
- 46 Shri V.R. Gandhi, Superintendent,  
Passport Office, APMC Buildings,  
Pune Kumbharia Road, Dhumbai P.O.,  
Surat, Gujarat.
- 

- 47 Shri P.K.Ghosh, Superintendent,  
Regional Passport Office,  
4, Brabourne Road, Kolkatta-700 001.  
West Bengal,
  - 48 Smt. Prabha Nayyar, Superintendent,  
Regional Passport Office, Sector No.34A,  
City Centre, Chandigarh-160 034.
  - 49 Shri S.Kumara Velu, Superintendent,  
Passport Office, Municipal Water Tank Building,  
West Boule Road, Tiruchirappalli-620 008  
Tamilnadu.
  - 50 Smt. U.K. Santha, Superintendent,  
Regional Passport Office,  
Panampilly Nagar, Cochin-682 036.
  - 51 Shri M.L. Rawat, Superintendent,  
Regional Passport Office, Navachetna Kendra,  
10 Ashok Marg, Lucknow-226 018.  
Uttar Pradesh.
  - 52 Shri S. Sadanand Bhat, Superintendent,  
Regional Passport Office, Panampilly Nagar,  
Cochin – 682 036.
  - 53 Shri P.K. Ashok Kumar, Superintendent,  
Regional Passport Office, Panampilly Nagar,  
Cochin – 682 036.
  - 54 Smt. J. Alivelu, Superintendent,  
Regional Passport Office, Kummarguda,  
Secunderabad-500 003, Andhra Pradesh.
  - 55 Kum N.J. Mary, Superintendent,  
Regional Passport Office, Panampilly Nagar,  
Cochin – 682 036.
  - 56 Smt. Ealiamma Julius, Superintendent,  
Regional Passport Office, Panampilly Nagar,  
Cochin – 682 036.
  - 57 Shri M Rajappan, Superintendent,  
Regional Passport Office, Panampilly Nagar,  
Cochin – 682 036.
  - 58 Shri V.P. Joy, Superintendent,  
Regional Passport Office, Panampilly Nagar,  
Cochin – 682 036.
- 

- 59 Shri Motling, Superintendent, Superintendent,  
Regional Passport Office,  
Manish Commercial Centre, Annie Besand Rd,  
Worli, Mumbai – 400 025., Maharashtra.
- 60 Smt.Urmila Singh, Superintendent,  
Regional Passport Office, Navachetna Kendra,  
10 Ashok Marg, Lucknow-226 018.  
Uttar Pradesh.
- 61 Shri D.R.Choudhary, Assistant Passport Office,  
APMC Buildings,  
Pune Kumbharia Road, Dhumbai P.O.,  
Surat, Gujarat.
- 62 Smt.I.S.D'Mellow, Superintendent,  
Regional Passport Office,  
Manish Commercial Centre, Annie Besand Rd,  
Worli, Mumbai – 400 025., Maharashtra.
- 63 Shri V.Kumararaj, Superintendent,  
Regional Passport Office,  
26, Haddows Road, Shastri Bhavan,  
Chennai-600 006, Tamil Nadu.
- 64 Shri R.S.Rawat, Assistant Regional Passport Office,  
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New Delhi-110 066.
- 65 Shri R.R.Parmar, Assistant Passport Office,  
APMC Buildings,  
Pune Kumbharia Road, Dhumbai P.O.,  
Surat, Gujarat.
- 66 Shri Sitaram Verma, Assistant Passport Office,  
CGO Building, Kamala Nehru Nagar,  
Chaziabad, Uttar Pradesh.
- 67 Shri A.K.Bhatia, Assistant Regional Passport Office,  
HUDCO Trikoot-111 Building,  
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New Delhi-110 066.
- 68 Shri N.C.Bisht, Assistant Passport Office,  
Vikas Jyothi Commercial Complex,  
Priyadharshini Nagar, Bareilly U.P.
- 69 Shri N.A.Parekh, Assistant,  
Regional Passport Office, Gulbai Tekra,  
Ahmedabad – 380 006, Gujarat.



70 Smt.M.Sathiamma, Assistant,  
Regional Passport Office,  
Panampilly Nagar, Cochin-682 036.

71 Shri K.Micle, Assistant,  
Regional Passport Office,  
Panampilly Nagar, Cochin-682 036. ... Respondents.

By Advocates Mr.TPM Ibrahim Khan SCGSC (R 1-3)  
Mr.C.Anil Kumar (R-50,52,53,56,57,58,70 & 71)

(This application having been heard on 11th August, 2008, the Tribunal delivered the following on 27.08.08.)

**(ORDER)**

**Hon'ble Dr K.B.S.Rajan, Judicial Member**

This case, admittedly, is covered by order of this Bench in R.A. No. 12/2008 in OA No. 675/2007 and the only difference in the two cases is that whereas in the above said RA/OA, the applicant therein had already superannuated, in the instant case, the applicant is still serving.

2. For having a hang of the facts of the case the crisp synopsis giving various details is adequate and the same has, therefore, been borrowed as below:-

(a) The applicant is presently working as Assistant in the Regional Passport Office, Cochin. He commenced the service as a daily rated clerk w.e.f. 1.7.1977 in the office of the 3<sup>rd</sup> respondent. He was regularised as Lower Division Clerk w.e.f. 3.7.80 and promoted as Upper Division Clerk in the year 1992. The applicant on finding that similarly situated persons like him were granted regularisations in 1978, ie. Earlier than him had approached this Honourable Tribunal filing OA 494/96. This Honourable Tribunal declared that the applicant was entitled for regularisation with effect

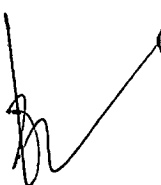




from 8.12.1978. Later, in 2006 some officials admittedly junior to the applicant had been given a revised order of regularisation over and above the date of regularisation of the applicant. Faced with that situation applicant submitted representation to the 2<sup>nd</sup> respondent and an order dated 22.2.2007 had been issued as per Annexure A-7 regularizing the services of the applicant w.e.f. 1.7.77. However, even though as per Annexure A-7 order, the applicant's regularisation was advanced to 1.7.77 he had neither been granted appropriate placement in the seniority list in various grades nor promotions legitimately due to him. The respondents have also not granted pay fixation and the arrears of pay w.e.f. 1.7.77. Highly aggrieved by this arbitrary action of the respondents, the applicant begs to prefer this Original Application.

3. Respondents have contested the OA. According to them, seniority of the applicant was fixed in accordance with the judgment dated 06.07.2005 of the Hon'ble High Court of Kerala in O.P.No.7461 o& 18268/2002 read with judgment dated 28.10.2005 in OA No.41/99 of the Hon'ble Central Administrative Tribunal. Applicant's claim for seniority from the initial date of engagement as casual worker is contrary to the law. The Hon'ble Central Administrative Tribunal in its orders dated 14.7.2003 in OA 1557/1998 and order dated 13.06.2005 in OA No.436/2005 left the question of seniority aside while directing "to grant the applicant's benefit of regularisation with effect from the initial date of their engagement for all purposes other than seniority, namely, eligibility to appear in the promotion tests or examination and for technical benefits, etc. Respondents have also referred to judgment dated 10.04.2006 of the Apex Court in the case of State of Karnataka vs Umadevi

(2004) 4 SCC 1.



4. Applicant has filed his rejoinder wherein it has been stated 'Umadevi' has no application in this case. Other contentions as raised in the OA were reiterated. Various orders relating the fixation of seniority have also been annexed to the rejoinder.

5. Counsel for the applicant submitted that recently in RA 12/2008 the Tribunal had analyzed an identical case and held that in view of the fact that similarly situated persons had been granted seniority from the date of their initial appointment as Daily Rated Clerks, there is no reason to deprive the applicant who is also similarly situated to have the same benefits.

6. Counsel for the respondents could not distinguish this case from the other.

7. Arguments were heard and the case in RA 12/2008 had also been gone through. The decision in that OA, vide order dated 16<sup>th</sup> June, 2008 (as slightly modified by a subsequent order correcting some errors in respect of certain dates) squarely applies to this case as well. Similarly situated persons are all to be granted regularization from the date of their initial appointment on daily rated basis.

8. The Apex Court as early as in 1975 in the case of *Amrit Lal Berry v. CCE, (1975) 4 SCC 714*, held as under:-

"We may, however, observe that when a citizen aggrieved by the action of a government department has approached the Court and obtained a declaration of law in his favour, others, in like circumstances, should be able to rely on the sense of responsibility of the department concerned and to expect that they



will be given the benefit of this declaration without the need to take their grievances to court.”

9. The V Central Pay Commission in its recommendation, in regard to extension of benefit of court judgment to similarly situated, held as under:-

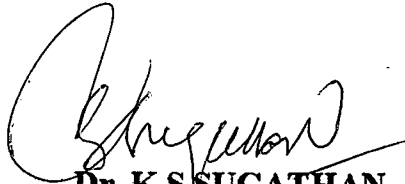
“126.5 – **Extending judicial decisions in matters of a general nature to all similarly placed employees.** - We have observed that frequently, in cases of service litigation involving many similarly placed employees, the benefit of judgment is only extended to those employees who had agitated the matter before the Tribunal/Court. This generates a lot of needless litigation. It also runs contrary to the judgment given by the Full Bench of Central Administrative Tribunal, Bangalore in the case of C.S. Elias Ahmed and others v. UOI & others (O.A. Nos. 451 and 541 of 1991), wherein it was held that the entire class of employees who are similarly situated are required to be given the benefit of the decision whether or not they were parties to the original writ. Incidentally, this principle has been upheld by the Supreme Court in this case as well as in numerous other judgments like G.C. Ghosh v. UOI, [ (1992) 19 ATC 94 (SC) ], dated 20-7-1998; K.I. Shepherd v. UOI [(JT 1987 (3) SC 600)]; Abid Hussain v. UOI [(JT 1987 (1) SC 147)], etc. Accordingly, we recommend that decisions taken in one specific case either by the judiciary or the Government should be applied to all other identical cases without forcing the other employees to approach the court of law for an identical remedy or relief. We clarify that this decision will apply only in cases where a principle or common issue of general nature applicable to a group or category of Government employees is concerned and not to matters relating to a specific grievance or anomaly of an individual employee.”

10. In view of the above, the **OA is allowed.** It is declared that regularization of the applicant's service in the grade of LDC shall be with effect from 01-07-1977 i.e. the date of his initial engagement and he is entitled to consequential seniority. However, as in the other case, he would be entitled to notional fixation of pay without any monetary benefits. On the basis of his revised seniority, if the applicant is entitled to higher promotion, the same be considered and granted from the date his immediate junior was promoted and



the seniority in respective posts (UDC and Assistant as the case may be) rescheduled. His entitlement to monetary benefit on account of the advancement of the seniority would be reckoned only prospectively after the review DPC takes place and his promotion date altered. In so far as promotion to the higher grade of Superintendent is concerned, his seniority in the grade of assistant as arrived at now would be considered. As the drill involves review of seniority right from LDC and also review of promotion to the post of UDC and Assistants, sufficient time would be required for the same, as the revised seniority has to be prepared after due notice to the affected parties. Hence, a period of 8 months is granted to implement this order. Again, it is made clear that in case the time granted falls short, respondents may move the Tribunal for further extension, before the expiry of the time allowed, by way of a Misc. Application, reflecting therein the extent of action taken, by narrating chronological sequence of events and justifying the extent of further time sought. Any inordinate delay in initiation of action etc., would not be a justification in seeking further extension of time.

11. No costs.

  
**Dr. K.S. SUGATHAN**  
 ADMINISTRATIVE MEMBER

  
**Dr. K.B.S. RAJAN**  
 JUDICIAL MEMBER

abp/cvr.