

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 497 of 2003

Friday, this the 27th day of June, 2003

CORAM

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

1. V.T. Jose,
S/o V.O. Kunhi Thomman,
Civilian Motor Driver (Ordinary Grade),
M.T. Pool, INS Venduruthy, Cochin-4
Residing at 'Vazhappilly House',
Koonamavu PO, North Parur.
2. P.K. Prabhakaran,
S/o K.K. Nambiar,
Civilian Motor Driver (Ordinary Grade),
M.T. Pool, INS Venduruthy, Cochin
Residing at 'Kondoth', Post Chorode East,
Badagara, Kozhikode District.
3. Thomas George,
S/o C.J. Varkey,
Civilian Motor Driver (Ordinary Grade),
M.P. Pool, INS Venduruthy, Cochin,
Residing at 'Chembamal House',
Seethamound PO, Wayanad District.
4. A. Rajappan Pillai,
S/o K. Appukuttan Pillai,
Civilian Motor Driver (Ordinary Grade),
INS Dronacharyan, Cochin-1,
Residing at 'Asha Bhavan', Pullipacha,
Post Peringammala, Thiruvananthapuram.
5. B. Krishnan Kutty,
S/o K. Bhargavan (Late),
Fire Engine Driver, Grade II,
INS Dronacharya, Cochin,
residing at 'Padmalayam',
Pathiyoor PO, Kayamkulam.
6. M.S. Udayasimhan,
S/o K. Narayanan,
Civilian Motor Driver (Ordinary Grade),
CTW, Southern Naval Command,
residing at 'M.S. House',
PO Azhikode, Kannur District.
7. V. Vasu,
S/o K.C. Govindan Nambiar,
Civilian Motor Driver (Ordinary Grade),
Base Logistics Office, Southern Naval

Command, Cochin,
residing at Kizhakkumkara House,
Cherpulassery, Palakkad District.

8. K. Balasubramanian,
S/o G. Kesavan Nair,
Civilian Motor Driver (Ordinary Grade),
M.T. Section, INs Garuda, Cochin,
Residing at Kuthuseril House,
Pullikanaku, Kayamkulam.
9. Ravikumaran Achary,
S/o Kesavan Achary,
Fire Engine Driver, Grade I,
INS Venduruthy, Cochin,
Residing at Leela Bhavan,
Palluruthy Veli, Cochin-6
10. Joseph Paul,
S/o T.P. Paily,
CMD(OG), M.T. Pool, INS Garuda, Cochin,
residing at Thuruvassery, Pooramana PO,
Kayanad, Ernakulam District.Applicants

[By Advocate Mr. Shafik M.A]

Versus

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

[By Advocate Mr. C. Rajendran, SCGSC]

The application having been heard on 27-6-2003, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

There are 10 applicants in this case. Applicants 1-4,
6, 7, 8 and 10 are Civilian Motor Drivers (Ordinary Grade),
while applicants 5 and 9 are Fire Engine Drivers. They seek
this Tribunal's intervention for quashing Annexure A1 and A2
communications by which their claim for ACP on the basis of

their casual service, which has since been regularised in the light of the directions contained in the order of this Tribunal in OA No.136/94 dated 20-1-1994 (Annexure A3), is rejected.

2. When the matter came up for admission, Shri Shafik MA, learned counsel for the applicants, invited our attention to the fact that the issue of eligibility on the basis of the regularised casual service for being considered for all service benefits is already covered by this Tribunal's order in OA No.545/95 dated 9-10-1996 (Annexure A4). Learned counsel has also brought to our notice two decisions of this Tribunal, i.e. OA No.755/2000 dated 20-9-2002 and OA No.212/2002 dated 13-1-2003, wherein, on identical facts and circumstances, this Tribunal held that once the casual service is regularized the period of qualifying service for the purpose of ACP may be reckoned with effect from the date of initial appointment itself. The factual situation being exactly identical, the learned SCGSC appearing for the respondents is not in a position to defend the impugned orders.

3. We, in respectful agreement with the earlier decisions of this Tribunal in OA.No.755/2000 and OA.No.212/2002, hold that the regularized casual service has to be reckoned for the purpose of award of ACP benefit. Accordingly, we quash the impugned A1 and A2 communications. Respondents are directed to issue consequential orders, granting the applicants herein all the benefits of ACP in accordance with the findings above by reckoning their casual service which had already been regularized in the light of the directions issued by this

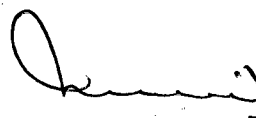
Tribunal as per order in OA No.136/94 dated 20-1-1994, within a period of four months from the date of receipt of a copy of this order.

4. The Original Application is disposed of as above. No order as to costs.

Friday, this the 27th day of June, 2003



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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