

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A.No.499/04**

Tuesday this the 13th day of July 2004

**C O R A M :**

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

M.N.Asokan,  
Lower Division Clerk,  
Naval Armament Depot, Alwaye.

Applicant

(By Advocate Mr.N.N.Sugunapalan)

**Versus**

1. Administrative Officer (Civilians),  
O/o. the Flag Officer Commanding in Chief,  
Southern Naval Command, Naval Base, Cochin.
2. Flag Officer Commanding in Chief,  
Southern Naval Command, Naval Base, Cochin.
3. Union of India represented by the Secretary,  
Ministry of Defence, New Delhi. Respondents

(By Advocate Mr.C.Rajendran, SCGSC)

This application having been heard on 13th July 2004 the Tribunal on the same day delivered the following :

**O R D E R**

**HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN**

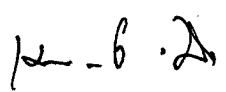
The applicant who was initially engaged as unskilled casual labour on 24.4.1984 under the respondents was regularised in service on 30.3.1985 and was posted in the INS Venduruthy, Naval Base, Cochin. His grievance<sup>is</sup> that his service have not been regularised with effect from the initial date of engagement although in the case of casual labourers similarly situated in terms of the order of the C.A.T. Ernakulam Bench have been regularised with effect from the date of initial engagement ignoring the artificial breaks on the ground that breaks in service amounts to 52 days i.e. more than 30 days. Alleging that Hon'ble Tribunal had directed the respondents to condone the artificial breaks without specifying any limits and this decision

of the Tribunal has been upheld by the Hon'ble High Court of Kerala in its judgement in O.P.Nos.9639, 11518, 14300 & 14936 of 1998 dated 28.7.2000 that inspite of the details of the applicant's absence having been forwarded to the Headquarters a decision on the applicant's representation Annexure A-1 for regularising his service with effect from the date of initial engagement has not yet been taken, the applicant has filed this application seeking the following reliefs :

1. to direct the respondents to take a decision in the matter of regularisation of casual service and condonation of artificial/technical break period as requested in Annexure A-1 representation.
2. When the application came up for hearing on 2.7.04 learned counsel for the respondents Shri.C.Rajendran,SCGSC sought sometime to get instructions and to file a statement. Today when the matter came up no statement has been filed but the counsel on either side agree that the applicant may be permitted to make a detailed representation to the 2nd respondent projecting his grievance and inviting attention to the various Court Orders and directing the 2nd respondent that if such a representation is received the same shall be considered and disposed of in the light of the said orders of the Courts within a reasonable time.
3. In the light of the above statement made by the learned counsel on either side the application is disposed of permitting the applicant to make a detailed representation to the 2nd respondent projecting his grievance and bringing to the notice of the 2nd respondent various decisions of the Tribunal as also of the High Court within ten days from the date of receipt of a copy of this order and directing the 2nd respondent that if such a

representation is received the same shall be considered in the light of the rulings and instructions on the subject and give an appropriate reply within a period of two months from the date of receipt of a copy of the representation. No costs.

(Dated the 13th day of July 2004)

  
H.P.DAS  
ADMINISTRATIVE MEMBER

  
A.V.HARIDASAN  
VICE CHAIRMAN

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