

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 509 1992.

DATE OF DECISION 28.1.1993

Shri R Prathapachandran Nair Applicant (s)  
& 21 others.

Shri M Girija Vallabhan Advocate for the Applicant (s)

Versus

Union of India (Secretary, Respondent (s)  
Ministry of Defence) & 2 others

Mr George Joseph, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. SP Mukerji - Vice Chairman

&

The Hon'ble Mr. AV Haridasan - Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Ys*
2. To be referred to the Reporter or not? *W*
3. Whether their Lordships wish to see the fair copy of the Judgement? *W*
4. To be circulated to all Benches of the Tribunal? *W*

## JUDGEMENT

( Hon'ble Shri AV Haridasan, JM )

The applicants, 22 in number, who were initially engaged as Civilian Fire Fighting Staff during 1982 & 1985 and regularised subsequently have prayed that it may be declared that they are ~~also similarly situated~~ *persons* entitled to regularisation from the date of their initial entry in service on casual basis duly condoning the artificial breaks as shown in Annexure A-1 together with all consequential benefits like leave, increment, the pension etc., except seniority as ~~persons entitled to~~ applicants in OA 434/89 and 609/89 and many other subsequent decisions of this Tribunal in OA 967/90, 973/90, 30/91 etc. and *Q*

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for a direction to the respondents to grant to the applicants all consequential benefits like leave, increment, pension etc., except seniority as found admissible to similarly situated cases in OA 434/89 and 609/89 and many other subsequent judgements.

2. In their reply statement, the respondents have stated that the benefits of the aforesaid judgements were extended to the applicants therein due to compulsions of the judgements and there were no permanent posts available for regularisation of the applicants before us from the date of their initial appointments on casual basis. They have further contended that if the services of the applicants were so regularised, there is bound to be wide repercussions as there are large number of similarly circumstanced employees still working under the respondents.

3. We have heard the arguments of the learned counsel for the parties and have also gone through the pleadings and documents carefully.

4. The crux of the contention of the applicants is that they are similarly circumstanced as those in OA 434/89 and 609/89 and a host of similar other cases. This contention of the applicants has not been controverted ~~specifically~~ by the respondents. The respondents resist the application mainly because granting of the relief claimed by the applicants would have wide repercussions as large number of similarly circumstanced employees are still working under them. Such an argument cannot be accepted at all. Based on this argument we see no reason to depart from the decision of this Tribunal in OA 434/89 where a similar relief ~~was~~ claimed by the Assistant Store Keepers in the Southern Naval Command was allowed and

relying on which, a host of other cases claiming pre-dating of regularisation of the applicants therein with effect from the date of their initial casual employment by condoning the break in service and allowing financial benefits flowing therefrom were allowed.

5. In the light of the aforesaid decisions, we allow this application declaring that the applicants are also similarly situated persons and are entitled to regularisation from the date of their initial entry in service on casual basis duly condoning the artificial breaks as shown in Annexure R3 together with all consequential benefits like leave, increments, pension etc., except seniority as found entitled to applicants in OA 434/89 and 609/89 and similar other cases and direct the respondents to grant the applicants all such benefits. Payment of arrears in respect of financial benefits shall be confined to the period of three years immediately preceding 26.3.1992 when this OA was filed with the Tribunal. Action on the above lines should be completed within a period of three months from the date of communication of a copy of this order.

6. There is no order as to costs.

  
( AV HARIDASAN )  
JUDICIAL MEMBER

  
( SP MUKERJI )  
VICE CHAIRMAN

28.1.1993

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