

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Q.A. 54/95

Monday, this the 20th day of February, 1995

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR. S. P. BISWAS, ADMINISTRATIVE MEMBER

1. P. C. Prabhakaran
Assistant Store Keeper
Naval Store Depot,
Naval Base, Kochi-4

2. A. V. Cheriyam
Assistant Store Keeper
Naval Store Depot,
Naval Base, Kochi-4

Applicants

By Advocate Mr. P.K. Muhammed

vs.

1. The Flag Officer Commanding-in-Chief
Southern Naval Command,
Naval Base, Cochin-4

2. The Director of Logistic Support,
Naval Headquarters,
New Delhi

3. The Chief of Naval Staff
Naval Headquarters, New Delhi

4. Union of India represented by
the Secretary of Defence,
Ministry of Defence,
New Delhi

Respondents

By Advocate Mr. Mary Help John David J., ACGSC

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicants, who on their own showing were engaged as casual employees on 27.8.1987 and regularised with effect from 10.11.1993, seek a declaration that they

"are eligible to get regularisation from the date of their initial entry in service with all service benefits such as..."

2. We do not know the terms of engagement, as the order by which they were engaged is not produced. Applicants would rely on A-8 order of Government of

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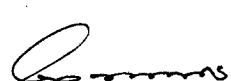
India dated 24.11.1967 to support their claims. That, inter alia, states:

" financial benefits will however be allowed from the date of issue of these orders or the dates from which the individual was converted into a regular employee whichever is later."

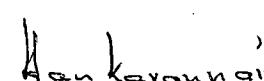
3. In the case of applicants, their regularisation is after A-8 order, and they can get benefits from the date of regularisation, namely, 10.11.1993. Even assuming that two views are possible with reference to the meaning of an administrative order, we do not sit as an appellate authority and decide the matter unless the view taken by the authority is one which no man who has not taken leave of commonsense would have reached. It is also settled law that casual engagement will not entail any benefits automatically; only conferment of benefits under a valid scheme or an order of regularisation can confer rights. If any authority is needed for this proposition, it is found in Mukesh Bhai Chhota Bhai Patel vs. Joint Agriculture and Marketing Advisor, Government of India and others, (1994 SCC (L&S) 126).

4. Application is without merit and we dismiss the same. No costs.

Dated the 20th February, 1995.


S. P. BISWAS
ADMINISTRATIVE MEMBER

kmn 20295


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

List of Annexures

1. Annexure-A8: True copy of the letter No.43482/EC.4/Org.4 (Civ)(d)3754/D (Civ.II) Issued by the 4th respondent dated 24.11.1967.