

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
~~XXX~~ No.

572/91

199

DATE OF DECISION 27.2.92

V.P.Sobha and 35 others Applicant (s)

Mr.K.A.Abdul Hameed Advocate for the Applicant (s)

Union of India, represented by the
Secretary to Government, Ministry of Defence,
Govt. of India, New Delhi and 2 others. Respondent (s)

Mr.C.K.Kochunni Nair,ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. S.P.MUKERJI, VICE CHAIRMAN

The Hon'ble Mr. N.DHARMADAN, JUDICIAL MEMBER

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

JUDGEMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

In this application dated 1st April, 1991 the thirty six applicants who have been working as Progress Recorder, Assistant Librarian, Draughtsman, Tracer, Copycat Operator, Steno, U.D.C and L.D.C in the Naval Aircraft Yard, Cochin, as Peon, Stenographer, U.D.C, Draughtsman, Tracer, L.D.C etc. at the Naval Base, Cochin and Headquarters, Southern Naval Command, Cochin have prayed that like the applicants in O.A. 608/89 and O.A. 434/89 their services should be regularised from the date of their initial appointment as casual worker by condoning the breaks in service and the impugned order dated 30th November 1990 at Annexure-A4 denying them the benefit of the aforesaid judgement of the Tribunal be set aside. The brief facts of the case are as follows.

2. According to the applicants they were appointed in various capacities under the 3rd respondent on a casual basis from various dates between 1.2.72 and 20.2.1984 as given at Annexure-A1 after conducting the test prescribed for regular appointment. They have ^{been} continuing in these capacities with intermittent technical breaks till they were regularised from various dates

between 4.5.77 and 4.10.1990 as given at Annexure A1. They are aggrieved by the fact that their casual service prior to the dates of their regularisation has been lost to them for the purpose of pay, leave, seniority etc. They have been rendered junior to persons who were appointed on a regular basis after the date of original casual appointment of the applicants. They have urged that once they are regularised the date of regularisation should be the date of their original casual employment in accordance with the Ministry of Defence letter dated 26.9.1966 followed by another letter dated 24.11.1967 laying down that casual non-industrial persons who are converted as regular employees will be treated as having been regularised from the date of casual employment with all consequential benefits of pay, increments, leave, pension, gratuity etc. They, however, feel aggrieved by para-4 of the order dated 24.11.67 by which only the last spell of continuous casual service will be admissible and the previous casual service with breaks will be ignored. They are also aggrieved by another circular dated 27.5.1980 which was issued as a corrigendum to the circular of 24.11.1967 denying the benefit of seniority for even the last spell of unbroken casual service and it was laid down that service rendered on casual basis prior to the appointment on regular basis shall not count for seniority. They have referred to the decisions of the Hon'ble High Court of Andhra Pradesh and different Benches of the Central Administrative Tribunal whereby the applicants therein were given all the benefits of regular employees with effect from the dates of their initial appointment on a casual basis. They have in particular referred to the decisions of this Bench of the Tribunal in O.A 434/89 and O.A. 609/89 allowing similarly situated applicants therein in the Southern Naval Command itself the benefit of regularisation from the dates of their initial appointment on a casual basis by condoning the break in service, in support of their claim. They have mentioned that the benefit regarding seniority was referred to a Larger Bench of the Tribunal in those cases. They have argued that the benefits

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extended by the Chiefs of Naval Staff to similarly situated persons in other Commands and also in the Southern Naval Command cannot be denied to them. They have argued that by denying ^{to} them the benefits of the aforesaid judgments and the benefit of the findings of the Full Bench, the respondents have violated Articles 14 and 16 of the Constitution in the impugned order at Annexure-A4 by which their representations were rejected. In spite of several opportunities being given to the respondents they did not file any counter affidavit, but the learned counsel for the respondents contented himself by referring to similar cases in O.A. 973/90, O.A. 967/90 and O.A. 30/91 in which they had filed counter affidavits.

3. In the counter affidavits filed in those cases the respondents have justified the short breaks in the casual service of the applicants between two casual employment and do not consider them to be technical or artificial breaks. The applicants were absorbed as and when regular posts became available and given the benefit of casual service only for the last spell of continuous casual service in accordance with the Ministry of Defence order dated 24th November, 1967. Their further order of 27th May 1980 excluded casual service prior to their regular appointment for the purpose of seniority. As regards the benefits given by the High Court of Andhra Pradesh and Hyderabad Bench of the Tribunal, they have stated that the employees in the Eastern Naval Command and Southern Naval Command are under different seniority lists and therefore, the comparison of seniority between LDCs of different Commands does not arise. As regards the decision of this Bench in O.A. 434/89 and O.A. 609/89, the respondents have stated that while the applicants in those cases are borne on an all India roster maintained by the Naval Headquarters, the applicants in this case are borne under the Southern Naval Command in a roster maintained by the 3rd respondent. Accordingly, the applicants before us cannot be treated at par with the applicants before the Andhra High Court and other Benches of the Tribunal.

4. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. This very

Bench of the Tribunal in the judgment dated 20.8.1990 in O.A.434/89 and O.A.609/89 where a similar relief as in this case was claimed by the Assistant Store Keepers of the Southern Naval Command, decided the question of regularisation and consequential benefits other than that of seniority in the following terms:-

"12. In so far as the first issue is concerned, there is consensus of findings by the High Court of Andhra Pradesh and all the Benches of the Tribunal to the effect that, in accordance with the various orders of the Ministry of Defence, the applicants are entitled to be converted into regular employees with effect from the date of their initial employment as casual employees and that if there have been some technical breaks during their entire period of casual employment, the same are to be condoned. The relevant portion of the order dated 24/25.8.89 of the New Bombay Bench of the Tribunal which typifies the findings in all cases is as follows:-

"Respondents shall give all benefits due to the applicants in both the cases as per the Ministry of Defence letter No.83482/EC-4/Org.4(Civ)(d)/13754/D(Civ-II) dated 24.11.67 as amended by corrigendum No. 13051/OS-SC(ii)2968/D(Civ-II) dated 27.5.80, from the dates on which the applicants were initially appointed on casual basis, by ignoring the artificial or technical breaks in their services".

"13. We see no reason to depart from the above decision in case of the applicants before us in these two cases and others similarly circumstanced. The stand taken by the respondents that the decision given by the High Court and the various Benches of the Tribunal should be applicable only to the applicants before them, cannot be accepted. Apart from the fact that a principle which is held good by the High Court of Andhra Pradesh and endorsed by the Hyderabad Bench, Calcutta Bench, Madras Bench and New Bombay Bench of the Tribunal cannot be dismissed as not applicable in case of the applicants who are similarly circumstanced as the applicants before those Benches. The applicants before us belong to the same cadre as the applicants in the aforesaid cases, and over and above that, they admittedly figure in the same all-India Seniority List, irrespective of the Naval Command to which they belong. The letter dated 3.11.86 of the Chief of Naval Staff (vide p.77 of the Paper Book) also extended the benefit of Andhra Pradesh High Court's judgment to all similarly circumstanced.

"14. In the above circumstances and in conformity with the various decisions of High Court of Andhra Pradesh Hyderabad Bench, Calcutta Bench, Madras Bench and New Bombay Bench of this Tribunal, we allow this application in part with the direction that the respondents shall ignore the artificial or technical breaks in the casual services of the applicants and regularise them from the date of their initial appointment on a casual basis with all benefits due to them as per Ministry of Defence Letter No. 83482/EC-4/Org.4(Civ)(d)/13754/D(Civ-II) dated 24.11.67 as amended by corrigendum No.13051/OS-SC(ii)/2968/D(Civ-II) dated 27.5.80."

5. In view of the unambiguous decision in respect of persons similarly situated as the applicants before us, we have no hesitation in allowing this application in so far as pre-dating the date of regularisation with effect from the date of initial casual appointment by condoning the break in service and financial benefits flowing therefrom whether they are borne in an all India list or a Command list makes no difference. are concerned./ As regards the question of seniority this Bench of the Tribunal in O.As 434/89 and 609/89 referred the matter to a Larger Bench because of the fact that it found that whereas the Hyderabad, Calcutta and Madras Benches of the Tribunal had impliedly accorded seniority to the applicants before them on the basis of their date of initial appointment without bringing in the restriction imposed by the circular of 27.5.80, the New Bombay Bench relying on the ^{circular} corrigendum of 27.5.80 had directed that "the respondents shall fix the seniority of the applicants in their respective grade from the dates on which they are absorbed against regular vacancy". The Larger Bench in their judgment dated 29.11.1990 observed as follows:-

" 12. In our considered opinion, once it is concluded that the applicants should be regularised with effect from the date of their initial appointment as casual employees after condoning the technical breaks, it is implicit that those employees would be entitled to seniority from the same date of their initial appointment in which they have been regularised.

(13. In G.P.Doval vs. Chief Secretary, Government of U.P., 1984(4) S.C.C. 329 at 342, the Supreme Court has observed that "It is thus well settled that where officiating

"appointment is followed by confirmation, unless a contrary rule is shown, the service rendered as officiating appointment cannot be ignored for reckoning length of continuous officiation for determining the place in the seniority list." (See also Delhi Water Supply and Sewage Disposal Committee & Others Vs. R.K. Kashyap & Others, 1989 S.C.C. (L&S) 253).

"14. The New Bombay Bench has struck a different note by relying on the corrigendum dated 27.5.1980 which has no application to the facts and circumstances of the two applications before us.

"15. In the case before the New Bombay Bench, it is clear that the applicants were absorbed after the issue of the corrigendum dated 27.5.1980, while in the case of the applicants before us, they had been regularised much earlier than the issue of the said corrigendum. The applicants in O.A-434/89 were regularised on various dates from November, 1974 to April, 1979, while the applicant in O.A-609/89 was regularised w.e.f. 1.6.1979. Consequently, the decision of the New Bombay Bench is clearly distinguishable."

In conclusion the Larger Bench answered the reference as follows:-

"20. We, therefore, answer the reference to the Full Bench as follows:-

- " (i) The benefit of seniority to casual employees who were regularised in accordance with the Ministry of Defence letter dated 24.11.1967, can be given from the date of initial appointment on a casual basis, if the breaks in service are condoned, irrespective of the availability of a regular vacancy. The corrigendum issued on 27.5.1980 will not apply to regularisation from dates prior to the date of its issue, as in the present case.
- " (ii) The judgment of the New Bombay Bench dated 24/25.8.1989 in O.A. Nos.516 and 732 of 1988, is distinguishable as the applicants in those cases were absorbed after the issue of the corrigendum dated 27.5.1980. In view of this, we see no conflict between the judgments delivered by the various Benches of the Tribunal.

(iii) The applicants before us as well as those before the other Benches of the Tribunal similarly situated are borne on an All India seniority list. The judgment of the New Bombay Bench results in determination of the seniority of such persons who were before that Bench in a different manner. We leave open the question whether such determination is legally sustainable, as the same is not germane to the issue raised for our consideration."

From the above it is clear that the Larger Bench accepted the general principle that once casual service is regularised with retrospective effect, such regularised casual service will automatically count towards seniority irrespective of availability of vacancy. The Larger Bench however did not find any conflict between the New Bombay Bench or other Benches of the Tribunal so as to invoke the aforesaid general principle as the applicants before the New Bombay Bench had been regularised after 27.5.1980 when the circular was issued disqualifying the casual service for purpose of seniority, ^{while in cases of the} ~~and~~ other Benches of the Tribunal, the applicants before ~~them~~ ⁱⁿ had been regularised before 27.5.1980. In accordance with the decision of the Larger Bench, therefore, all the applicants before us except the following who were, in accordance with Annexure A.1, as accepted by the respondents also, regularised after 27.5.80 will be entitled to all the benefits including the benefit of seniority from ~~the~~ ^{the} dates of their original appointment on a casual basis. The names of the excluded applicants with the date of their regularisation are as follows:-

<u>Sl.No.</u>	<u>Name</u>	<u>Date of regularisation</u>
1.	V.P.Sobha	21.11.83
2.	Davis Varkey	27.9.88
3.	M.M.Alamelu	5.3.84
4.	E.J.Saramma	27.6.85
5.	Jayanthi Shankar	22.12.86
6.	Sreekala M.S.	22.12.86
7.	A.E.Constant	28.1.87
8.	V.K.Siyakumar	25.2.83
9.	V.Kuttan	20.11.82
10.	A.C.Jose	10.3.87
11.	P.C.Valsa	16.2.87
12.	K.S.Babu	1.12.84

13.	K.N.Ambikakumari	5.10.82
14.	M.J.Visweswari	5.10.82
15.	Mary John	1.10.81
16.	Ravi Kumar K.	3.4.82
17.	Remadevi K.P.	4.7.83
18.	K.G.Usha Kumari	18.8.88
19.	Luciamma Joseph	15.3.82
20.	Margret Celine	23.12.86
21.	V.V.Ealiyamma	4.10.90
22.	Lilly David	4.4.83
23.	N.K.Baiju	6.1.83
24.	K.K.Vijayamma	28.1.87
25.	C.G.Shylaja	2.5.88
26.	K.C.Jessily	2.4.84
27.	Reshmi N.Menon	1.10.84
28.	Latha Unnikrishnan	29.8.81
29.	O.V.Sukumari	18.8.82
30.	K.P.Lalitha	10.11.82

6. In the facts and circumstances we allow this application in so far as applicants No.15, 16 and 18 to 21 are concerned with the direction to the respondents to regularise their services as Steno/ U.D.C with effect from the date of their initial appointment on a casual basis by ignoring the breaks and give them all consequential benefits in accordance with the Ministry of Defence letters dated 26.9.1966 and 24.11.1967 as also the benefit of seniority. As regards the other applicants No.1 to 14, 17, 22 to 36, ^(as listed above) the respondents are directed to regularise their services from the dates of their initial appointment ^{condoning the breaks} on a casual basis and give them the benefits ^(except of seniority) contemplated in the aforesaid orders dated 26.9.1966 and 24.11.67 as in case of other applicants. So far as the benefit of seniority for these thirty applicants is concerned, we reiterate our views as expressed in our judgment dated 20.8.1990 in O.A. 434/89 and O.A.609/89, a copy of which judgment is Annexure-2, and disagree with the finding of the New ~~Do~~ Bombay Bench given in their judgment dated 24/25 August, 1989 in O.A. 516/88 and O.A. 732/88, that the benefit of seniority will accrue from the date they are regularised against regular vacancies. We feel that once the previous casual service is regularised it has to count for seniority as any regular service irrespective of existence of any regular vacancy which is material only for confirmation. The

Larger Bench in very unequivocal terms endorsed our view as in paras 12 and 13 of their judgment dated 29.11.1990 which we repeat again as follows:-

"12. In our considered opinion, once it is concluded that the applicants should be regularised with effect from the date of their initial appointment as casual employees after condoning the technical breaks, it is implicit that those employees would be entitled to seniority from the same date of their initial appointment in which they have been regularised.

"13. In G.P.Doval vs. Chief Secretary, Government of U.P., 1984(4) S.C.C.329 at 342, the Supreme Court has observed that "It is thus well settled that where officiating appointment is followed by confirmation, unless a contrary rule is shown, the service rendered as officiating appointment cannot be ignored for reckoning length of continuous officiation for determining the place in the seniority list." (See also Delhi Water Supply and Sewage Disposal Committee and Others vs. R.K.Kashyap & Others, 1989 S.C.C. (L&S)253)."

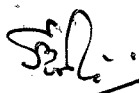
The Larger Bench also in item (iii) of their finding (para 4 supra) questioned the legality of the decision of the New Bombay Bench to determine the seniority of post-27.5.80 persons in a different manner. We have no doubt in our mind that the Larger Bench did not endorse the restrictive finding of the New Bombay Bench.

7. It would not have been necessary for us to refer the question of these thirty applicants again to them had the Larger Bench given their finding on the general point referred to them, but they distinguished 'pre-27.5.1980' cases from 'post 27.5.80' cases and did not give their finding on the general question of seniority based on regularised casual service. Now that these applicants are 'post-27.5.1980' regularised persons their cases will have to be decided by overruling or accepting the decision of the New Bombay Bench. We, accordingly direct the Registry to refer the following issue to the Hon'ble Chairman for constituting a Larger Bench for a decision.

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The issue is as follows:-

Whether the benefit of seniority to casual employees who are regularised in accordance with the Ministry of Defence letter dated 24.11.67 as amended by the corrigendum dated 27.5.1980 can be given from the date of initial appointment on a casual basis if the breaks in service are condoned, irrespective of the availability of a regular vacancy even in respect of those casual employees who were regularised after 27.5.1980.


27.2.92
(S.P. Mukerji)
Vice Chairman

n.j.j

N. DHARMADAN, JUDICIAL MEMBER

8. I agree with my learned brother, Hon'ble Vice Chairman, in his conclusion that a reference is necessary. But, being a Member in the Full Bench which decided the issue by judgment dated 29.11.90 in O.A. 434/89 and 609/89, I would like to add few words.

9. Considering the questions referred to ^{the Full Bench} in the above cases, the Full Bench expressed the views on the general questions of regularisation and seniority of casual employees in the Naval Armament Depot having regard to the facts and circumstances disclosed in the proceedings in the light of the observations of the Supreme Court. They are in paras 12 and 13 of the above judgment, reported in Full Bench Judgments (CAT) Vol.II page 375 which have been extracted by my learned brother in the judgment.

10. In the light of the dictum laid down by the Full Bench, according to me, there is no scope for any doubt. Nevertheless, a clarification may be necessary in view of the fact that the Full Bench has observed in para 15 of the judgment that the decision of the New Bombay Bench is distinguishable on the basis of the corrigendum dated 27.5.80. That does not mean that the general observations made by the Full Bench in paras 12 and 13 are applicable only to cases of 'pre-

27.5.1980.' In the judgment, the Full Bench has not examined the question as if the cases are distinguishable as 'pre-27.5.1980' and 'post-27.5.1980' cases, as observed by my learned brother. Of course, there is an observation that the decision of the New Bombay Bench is distinguishable on the basis of the corrigendum dated 27.5.1980. However, Full Bench has not approved the views of the New Bombay Bench and this is clear from the earlier discussions. Now that my learned brother has expressed doubts and I am told that this Bench has already made a reference in the same line expressing identical doubt, it will be appropriate that the Full Bench may clarify the decision by answering the question raised in this case.

11. In this view of the matter, I agree with my learned brother for referring the question raised in para 7 of the judgment.


27.5.92
(N. DHARMADAN)
JUDICIAL MEMBER

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
.....

O.A.S 967/90, 973/90, 30/91, 383/91, 572/91 & 1579/91.

FRIDAY THIS THE 1ST DAY OF JULY, 1994.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE-CHAIRMAN.
HON'BLE MR. J.P. SHARMA, JUDICIAL MEMBER.
HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER.

(1) OLA.967/90.

1. K. George Varghese,
2. P.J. Jessy
3. T.C. Alli
4. P. Suseela Devi
5. C.U. Molly
6. L. Indira Devi
7. T.S. Kochammini
8. C. Savithri
9. T.K. Santha
10. M.K. Leela
11. K.N. Venugopalan
12. K.A. Purushan
13. C.K. Vasanthakumari
14. C.P. Padmaja
15. P.N. Girija
16. V. Sobhananani
17. Umamba Thampufatty K,
18. D. George
19. K.S. Soman
20. V.P. Santhi
21. M.K. Ayyappan
22. Lilly Francis
23. K. Vasanthakumari
- P.J. Gracy



25. L.V. Parvathy

26. A.K. Ramani

...Applicants

(All these applicants working as Lower Division Clerks in Naval Store Depot, Naval Base, Cochin-4).

By advocate Mr. V.V. Nandagopal Nambiar.

V/s.

1. Union of India represented by the Secretary to the Government, Ministry of Defence, Govt. of India, New Delhi.
2. Chief of Naval Staff, Naval Headquarters, New Delhi.
3. Flag Officer Commanding, Southern Naval Command, Naval Base, Cochin-4.

...Respondents

By advocate Mr. C. Kechuani Nair, SCGSC.

(2) O.A.973/90.

1. M.O. Josa
2. K.K. Varghese
3. A. Punnose
4. A.D. James
5. P. Elizabeth
6. Rajamma Cherian
7. C.V. Santha
8. O.T. Kanakambal
9. A.N. Santha
10. K.R. Sumathy
11. M.P. Annam
12. Mary Kutty Abraham
13. P. Dandapani
14. V. Balachandran
15. O.K. Vilesinay
16. P. Radhalakshmy
17. K.V. Sundaran
18. M.M. Rosy
19. Matilda Britto

20. C.P. Abraham
21. Benjamin Samuel
22. Geethabalika
23. N. Velayudhan
24. P.K. Padmavathy
25. I.K. Kala
26. K.C. Elizwa ...Applicants

(All applicants working as Lower Division Clerk in Naval Store Depot, Naval Base, Cochin-4).

By advocate Mr. K. Shri Hari Rao.

V/s.

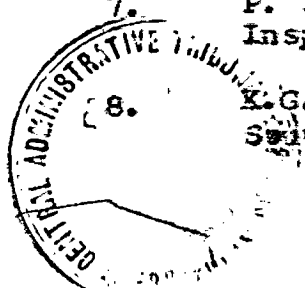
1. Union of India, represented by the Secretary to Government, Ministry of Defence, Govt. of India, New Delhi.
2. Chief of Naval Staff, Naval Headquarters, R.K. Puram, New Delhi.
3. Flag Officer Commanding, Southern Naval Command, Naval Base, Cochin-4.

...Respondents

By advocate Mr. Mathew G. Vadakkal, ACGSC.

(3) O.A.30/91.

1. V.K. Pazhanimala, Steno, Naval Ship Repair Yard, Naval Base, Cochin-4.
2. K.V. Mathew, Lower Division Clerk, Naval Ship Repair Yard, Naval Base, Cochin-4.
3. E.A. Vijayan, Peon, Naval Ship Repair Yard, Naval Base, Cochin-4.
4. L.H. Thilakavathy, Lower Division Clerk, Naval Armament Inspectorate, Naval Base, Cochin-4.
5. P.M. Radhakrishnan Nair, Lower Division Clerk, Naval Armament Inspectorate, Naval Base, Cochin-4.
6. Kumudagopinath, Lower Division Clerk, Naval Armament Inspectorate, Naval Base, Cochin-4.
7. P. Indira, Lower Division Clerk, Naval Armament Inspectorate, Naval Base, Cochin-4.
8. K.G. Chandikumar, Lower Division Clerk, Headquarters, Southern Naval Command, Naval Base, Cochin-4.



9. K.N.Chandrakala, Lower Division Clerk, Headquarters, Southern Naval Command, Naval Base, Cochin-4.
10. C.K.Rajeswari, Steno, Headquarters, Southern Naval Command, Naval Base, Cochin-4.
11. M.V. Narayanan Kutty, Lower Division Clerk, Headquarters, Southern Naval Command, Naval Base, Cochin-4.
12. Thankamani. N.M., Lower Division Clerk, Nay, Naval Base, Cochin-4.
13. C.A. Omena, Lower Division Clerk, INS Dronacharya, Naval Base, Cochin-4.
14. Francis. K.A., Lower Division Clerk, INS Dronacharya, Naval Base, Cochin-4.
15. L. Sukesini, Lower Division Clerk, INS Dronacharya, Naval Base, Cochin-4.
- 16.. Kamala Raman, Lower Division Clerk, INS Dronacharya, Naval Base, Cochin-4.
17. K. Sumathy, Lower Division Clerk, INS Dronacharya, Naval Base, Cochin-4.
18. P.M. Sheela, Lower Division Clerk, INS Dronacharya, Naval Base, Cochin-4.
19. C.M. Balagangadharan, Lower Division Clerk, INS Dronacharya, Naval Base, Cochin-4.
20. K. Padmavathy Ammal, Lower Division Clerk, INS Dronacharya, Naval Base, Cochin-4.
21. V.R. Bhasi, Lower Division Clerk, INS Dronacharya, Naval Base, Cochin-4.
22. P. Ambujam, Lower Division Clerk, Naval Store Depot, Naval Base, Cochin-4.
23. Premalatha. P.N., Lower Division Clerk, Naval Store Depot, Naval Base, Cochin-4.
24. Santha Mohan, Lower Division Clerk, Naval Store Depot, Naval Base, Cochin-4.
25. K.J.Mercy, Lower Division Clerk, Naval Store Depot, Naval Base, Cochin-4.
26. P.G. Anantha, Lower Division Clerk, Naval Store Depot, Naval Base, Cochin-4.
27. Omana. K.M., Lower Division Clerk, Naval Store Depot, Naval Base, Cochin-4.
28. Chinappa Mathew, Lower Division Clerk, Naval Store Depot, Naval Base, Cochin-4.
29. Dhanamma Xavier, Lower Division Clerk, Naval Store Depot, Naval Base, Cochin-4.

30. K.G.Monamani, Lower Division Clerk, Naval Store Depot, Naval Base, Cochin-4.

...Applicants

By advocate Mr. V.V. Nandagopal Nambiar.

V/s.

1. Union of India represented by the Secretary to Government, Ministry of Defence, Govt. of India, New Delhi..
2. Chief of Naval Staff, Naval Headquarters, R.K. Puram, New Delhi.
3. Flag Officer Commanding, Southern Naval Command, Naval Base, Cochin-4.

...Respondents

By advocate Mr. V. Ajith Narayanan, ACGSC.

(4) O.A.383/91.

1. T.K. Ramavathy, L.D.Clerk, Naval Air Craft Yeard, Kochi-4.
2. C.C. Vincenssia, L.D.Clerk, Head Quarters Southern Naval Command, Kochi-4.
3. P.N. Bharatha, L.D.C., Signal School, I.N.S. Venduruthy.
4. M.M. Bhaskara Kurup, L.D.C., Head Quarters, Southern Naval Command, Naval Base, Kochi.
5. K. Bhasi, L.D.C., Head Quarters, Southern Naval Command, Naval Base, Kochi-4.
6. T.V. Joseph Michael, L.D.C., H.Q. S.N.C.
7. P.M. John, L.D.C., Naval Air Craft Yard, Kochi-4.
8. Smt. P. Savithri, L.D.C. INS Venduruthy, Naval Base, Kochi-4.
9. Lalitha R. Krishnan, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
10. P. Chandrasekharan, LDC, H.Q.S.N.C., Kochi-4.
11. K. Geetha, L.D.C., H.Q.N.C.C.
12. K. Ragnini, L.D.C., H.Q.S.N.C., Kochi.
13. C.P. Bhargavi, L.D.C., INS Garuda, Naval Base, Kochi-4.
14. G. Prasanna Kumari, L.D.C., H.Q.S.N.C., Naval Base, Kochi.
15. K.N. Kamala, L.D.C., INS Garuda, Naval Base, Kochi-4.

16. Smt. Sarala V. Pillai, L.D.C., H.Q.S.N.C., Kochi-4.
17. K.N. Gopinath, Babu, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
18. Priyamvada. A.S., L.D.C., H.Q.S.N.S., Kochi-4.
19. M. Annamma, L.D.C., H.Q.S.N.C., Kochi-4.
20. K.A. Sudarshanan, L.D.C., Naval Air Craft Yard, Kochi-4.
21. S. Girija, L.D.C., Naval Air Craft Yard, Kochi-4.
22. S. Kamalakshi Ammal, L.D.C., Naval Air Craft Yard, Kochi-4.
23. V. Usha, L.D.C. Naval Air Craft Yard, Kochi-4.
24. K. Vijayamma, L.D.C., Naval Air Craft Yard, Kochi-4.
25. Lalitha Prasannan, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
26. Santha Gopinath, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
27. Leenet Joseph, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
28. Leela Thomas, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
29. K.M. Mariya Jasintha, L.D.C., Signal School, INS Venduruthy, Naval Base, Kochi-4.
30. Radhamani K, L.D.C., H.Q.S.N.C., Kochi-4.
31. A. Sobhana, L.D.C., Naval Air Craft Yard, Kochi.
32. Alphonsa Joseph, L.D.C., Naval Air Craft Yard, Kochi.
33. P.T.N. Shajeevan, L.D.C., Naval Air Craft Yard, Kochi.
34. Chandrakumari. B., L.D.C., INS Garuda, Kochi-4.
35. K. Santha, L.D.C., S.F.N.A., INS Garuda, Kochi-4.
36. Smt. P.P. Prasanna Kumari, L.D.C., Naval Air Craft Yard, Kochi-4.
37. Smt. A. Asha Viree, L.D.C., Naval Air Craft Yard, Kochi-4.
38. P.R. Parameswaran, L.D.C., H.Q.S.N.C., Kochi-4.
39. Pankajavally, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
40. Janaki Subramanian, L.D.C., H.Q.S.N.C., Kochi-4.
41. S. Sreelatha, L.D.C., H.Q.S.N.C., Kochi-4.

42. K.G. Theresa Jackaline, LDC, Signal School, INS Venduruthy, Naval Base, Kochi-4.
43. M.K. Ammini, W/o. Kuttappan, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
44. K.K. Purushothaman, L.D.C., H.Q.S.N.C., Kochi-4.
45. N.P. Sasidharan, L.D.C., Head Quarters, Southern Naval Command, Kochi-4.
46. M.J. Martha, L.D.C., H.Q.S.N.C., Kochi-4.
47. S. Valsalakumari, L.D.C., H.Q.S.N.C., Kochi-4.
48. Jacob George, L.D.C., IN Distributing Authority H.Q.S.N.C., Kochi-4.
49. T.A. Francis, L.D.C., H.Q.S.N.C., Kochi-4.
50. C.B. Sobhana, L.D.C., H.Q.S.N.C., Kochi-4.
51. Maria D' Souza, L.D.C., H.Q.S.N.C., Kochi-4.
52. V. Usha, L.D.C., H.Q.S.N.C., IN Distributing Authority.
53. Kusuman Varghese, L.D.C., H.Q.S.N.C., Kochi-4.
54. K.K. Seethamoni, L.D.C., H.Q.S.N.C., Kochi-4.
55. Mohandas T.C., L.D.C., H.Q.S.N.C., Kochi-4.
56. Vanaja Sudheer, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
57. T.S. Suma, L.D.C., H.Q.S.N.C., Kochi-4.
58. T.R. Omana, L.D.C., Naval Air Craft Yard, Kochi-4.
59. L. Ramadevi, L.D.C., Naval Air Craft Yard Kochi-4.
60. G. Vijayalakshmi Amma, L.D.C., Naval Air Craft Yard, Kochi-4.
61. N. Goriya, L.D.C., INS Garuda, Naval Base, Kochi-4.
62. K. Muktha Bai, L.D.C., INS Garuda, Naval Base, Kochi-4.
63. C.R. Sajeev Babu, L.D.C., Naval 1 Store Depot, Kochi-4.
64. M.A. Joseph Roy, L.D.C., Naval 1 Store Depot, Kochi-4.
65. K. Syamadas, L.D.C., INS Garuda, Kochi-4.
66. M.C. Venugopalan, L.D.C., INS Garuda, Kochi-4.
67. K. Ravendran, L.D.C., H.Q.S.N.C., Kochi-4.
68. K. Raghunathan Pillai, L.D.C., H.Q.S.N.C., Kochi-4.



69. P.R. Jayachandram, L.D.C., Base Logistic Office, Kochi-4.
70. N. Santha, L.D.C., H.Q.S.N.C., Kochi-4.
71. P.I. Chechamma, L.D.C., Base Logistic Office, Naval Base, Kochi-4.
72. A.K. Gopi, L.D.C., H.Q.S.N.C., Kochi-4.
73. Omana Antony, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
74. K.R. Appu, L.D.C., H.Q.S.N.C., Kochi-4.
75. Jacob Antony, L.D.C., H.Q.S.N.C., Kochi-4.
76. K.S. Indira, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
77. M.N. Sathiabhama, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
78. M.K. Sreerekha, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
79. T.J. Alice, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
80. P.G. Elizabeth, LDC, Naval Air Craft Yard, Kochi-4.

...Applicants

By advocate Mr. V.V. Nandagopal Nambiar.

V/s.

1. Union of India, represented by the Secretary to Government, Ministry of Defence, Government of India, New Delhi.
2. The Chief of Naval Staff, Naval Headquarters, R.K. Puram, New Delhi.
3. The Flag Officer, Commanding in Chief, Southern Naval Command, Naval Base, Kochi-4.

...Respondents

By advocate Mr. T.P.M. Ibrahim Khan, ACGSC.

(5) O.A.572/91.

1. V.P. Sobha, Progress Recorder, Naval Aircraft Yard, Cochin-4.
2. Davis Varkey, Progress Recorder, Naval Aircraft Yard, Cochin - 4.
3. M.M. Alamelu, Progress Recorder, Naval Aircraft Yard, Cochin - 4.
4. E.J. Saranna, Progress Recorder, Naval Aircraft Yard, Cochin - 4.



5. Jayanthi Shankar, Assistant Librarian, Naval Aircraft Yard, Cochin - 4.
6. Sreekala M.S., Assistant Librarian, Naval Aircraft Yard, Cochin - 4.
7. A.E. Constant, Draughtsman, Naval Aircraft Yard, Cochin - 4.
8. V.K. Sivakumar, Tracer, Naval Aircraft Yard, Cochin - 4.
9. V. Kuttan, Peon, I.N.S. Garuda, Naval Base, Cochin - 4.
10. A.C. Jose, Copycat Operator, Naval Aircraft Yard, Cochin - 4.
11. P.C. Valsa, Stenographer, I.N.S. Garuda, Naval Base, Cochin - 4.
12. K.S. Babu, Stenographer, Head Quarters, Southern Naval Command, Cochin - 4.
13. K.N. Ambika Kumari, Stenographer, Head Quarters, Southern Naval Command, Cochin - 4.
14. M.J. Visweswari, Steno, I.N.S. Garuda, Naval Base, Cochin - 4.
15. M. Amminikutty, Steno, Head Quarters, Southern Naval Command, Cochin - 4.
16. N. Nagammal, Steno, Naval Aircraft Yard, Cochin - 4.
17. Mary John, Steno, Naval Aircraft Yard, Cochin - 4.
18. Ammini Kuriakose, Steno, INS Garuda, Naval Base, Cochin - 4.
19. M. Chandramathi, U.D.C., INS Venduruthy, Naval Base, Cochin - 4.
20. K.M. Sheila, U.D.C., Head Quarters, Southern Naval Command, Naval Base, Cochin - 4.
21. Melly Varghese, U.D.C., Naval Aircraft Yard, Cochin - 4.
22. Ravi Kumar, K. Draughtsman, INS, Venduruthy, Naval Base, Cochin - 4.
23. Ramadevi K.D., Tracer, INS, Venduruthy, Naval Base, Cochin - 4.
24. K.G. Ushakumari, Steno, Naval Air Technical School, Naval Base, Cochin - 4.
25. Luciana Joseph, U.D.C., Head Quarters, Southern Naval Command, Naval Base, Cochin - 4.
26. Margaret Cellise, L.D.C., INS Venduruthy, Naval Base, Cochin - 4.

27. V.V. Eliyamma, L.D.C., INS, Venduruthy, Naval Base, Cochin - 4.
28. Lilly David, L.D.C., INS Garuda, Naval Base, Cochin - 4.
29. N.K. Baiju, Draughtsman, ASW School, INS Venduruthy, Naval Base, Cochin - 4.
30. K.K. Vijayamma, Draughtsman, INS Venduruthy, Naval Base, Cochin - 4.
31. C.G. Shylaja, L.D.C., Naval Aircraft Yard, Cochin-4.
32. K.C. Jessily, L.D.C., INS Garuda, Naval Base, Cochin - 4.
33. Reshmi N. Menon, L.D.C., Station Health Organisation, Naval Base, Cochin - 4.
34. Latha Unnikrishnan, L.D.C., INS Venduruthy, Naval Base, Cochin - 4.
35. O.V. Sukumari, LDC, INS, Venduruthy, Naval Base, Cochin - 4.
36. K.P. Lalitha, Junior Scientific Assistant, INS Venduruthy, Naval Base, Cochin - 4.

...Applicants

By advocate Mr. V.V. Nandagepal Nambiar.

V/s.

1. Union of India, represented by the Secretary to Government, Ministry of Defence, Government of India, New Delhi.
2. The Chief of Naval Staff, Naval Headquarters, R.K. Puram, New Delhi.
3. The Flag Officer, Commanding in Chief, Southern Naval Command, Naval Base, Cochin-4.

...Respondents

By advocate Mr. C. Kochunni Nair, SCGSC.

(6) O.A.1579/91.

1. V.N. Sathyavvrathan, Store Keeper, Naval Store Depot, N.S.D. (C), Naval Base, Kochi.
2. J. Solomon, Assistant Store Keeper, D.I.N.T. (C), Directorate of Installation, Naval Training, Naval Base, Kochi.

3. N. Narayana Pillai, Store Keeper, Naval Aircraft (C), Naval Base, Kochi.
4. K.P. Thankappan, Assistant Store Keeper, Naval Air Inspection Stores, Naval Base, Kochi.
5. N.K. Padmini, Store Keeper, Naval Store Depot, Kochi-4.
6. K.N. Madhuseedanan, Assistant Store Keeper, Naval Store Depot, Kochi - 4.
7. P.C. Praseela, Assistant Store Keeper, Naval Store Depot, Kochi-4.
8. V.F. Cleetus, Assistant Store Keeper, N.A.Y. (C), Kochi - 4.
9. P.N. Michael, Store Keeper, N.A.Y. (C), Kochi - 4.
10. P.S. Hari Kumar, Assistant Store Keeper, N.A.Y(C), Kochi - 4.
11. K.P. Rajini, Assistant Store Keeper, N.S.D. (C), Kochi - 4.
12. S. Rajappan, Assistant Store Keeper, N.A.Y(C), Kochi - 4.
13. N. Saseedharan Nair, Assistant Store Keeper, N.S.D. (C), Kochi - 4.
14. C. Ambika, Assistant Store Keeper, N.S.D. (C), Kochi - 4.
15. C.B. Girivasan, Assistant Store Keeper, N.A.Y(C), Kochi - 4.
16. K.K. Sugathan, Assistant Store Keeper, N.A.Y(C), Kochi - 4.
17. A. Keppu, Assistant Store Keeper, N.S.D(C), Kochi - 4.
18. P.V. Santhakumari, Assistant Store Keeper, Naval Store Depot, Kochi - 4.
19. Sumangala P.M., Assistant Store Keeper, Naval Store Depot, Kochi - 4.
20. V.K. Sreekumar, Assistant Store Keeper, Naval Store Depot, Kochi - 4.
21. N.S. Santhosh, Assistant Store Keeper, Naval Store Depot, Kochi - 4.
22. K. Prasanna Kumar, Assistant Store Keeper, Naval Store Depot, Kochi - 4.
23. K.A. Aravindan, Assistant Store Keeper, D.I.N.T(C), Kochi - 4.



24. Madhavan Nair P.K., Assistant Store Keeper, D.I.N.T(C), Kochi - 4.
25. K. Gopala Pillai, Assistant Store Keeper, N.S.R.Y(C), Naval Ship Repairing Yard, Kochi-4.
26. T. Dinesh Kumar, Assistant Store Keeper, N.D.D., Kochi - 4.
27. P.L. Padmadas, Assistant Store Keeper, N.S.D., Kochi - 4.
28. P.T. Gopalakrishnan Nair, Assistant Store Keeper, N.S.D., Kochi - 4.
29. Sunny Paily, Assistant Store Keeper, N.S.D., Kochi - 4.
30. M.K. Velayudhan, Assistant Store Keeper, N.S.R.Y(C), Kochi - 4.
31. A. Premarajan, Assistant Store Keeper, S.I.N.T(C), Kochi - 4.
32. V. Ramesh, Assistant Store Keeper, N.S.R.Y., Kochi-4.
33. P.R. Jayarajan, Assistant Store Keeper, N.S.R.Y., Kochi - 4.
34. P. Vijaya Kumar, Assistant Store Keeper, N.S.R.Y., Kochi - 4.
35. M.S. Jayakumar, Assistant Store Keeper, N.C.Y(C), Kochi - 4.
36. V.S. Suresh, Assistant Store Keeper, D.I.N.T(C), Kochi - 4.
37. U.B. Kalyanakrishnan, Assistant Store Keeper, Naval Ship Repair Yard, Cochin.
38. E.J. Colman, Assistant Store Keeper, Naval Repair Yard, Cochin, Naval Base, Kochi - 4.
39. V. Sudhir, Assistant Store Keeper, Naval Store Depot (C), Kochi - 4.
40. S.Sathyajith, Assistant Store Keeper, Naval Store Depot, Kochi-4.
41. V.C.Anil Kumar, Assistant Store Keeper, Naval Store Depot, Naval Base, Kochi-4.
42. M.G. Saraswathy, Assistant Store Keeper, Naval Store Depot, Naval Base, Kochi-4.
43. S.C. Sayed Koya, Assistant Store Keeper, Naval Store Depot, Naval Base, Kochi-4.Applicants

By advocate Mr. Mathai M. Paikeday.

V/s.

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

The Chief of Naval Staff, Naval Head Quarters, N.Delhi.

The Flag Officer, Southern Naval Command, Kochi-682004.



4. The Assistant Controller Materials,
Naval Store Depot,
Kochi-4.

...Respondents

By advocate Mr. T.P.M. Ibrahim Khan, ACGSC.

O R D E R

HON'BLE MR. J.P.SHARMA:

The Bench of Hon'ble Mr. S.P. Mukerji, Vice-Chairman and Hon'ble Mr. A.V.Haridasan, Member, while hearing OA-967/90 along with other O.A.s involving the similar issues vide order dated 19-2-1992 referred the matter to the Hon'ble Chairman for constituting a Larger Bench for a decision on the following point :

" Whether the benefit of seniority to casual employees who are regularised in accordance with the Ministry of Defence letter dated 24.11.67 as amended by the corrigendum dated 27.5.1980 can be given from the date of initial appointment on a casual basis if the breaks in service are condoned, irrespective of the availability of regular vacancy even in respect of those casual employees who were regularised after 27.5.1980. "

2. The Bench has, therefore, been constituted under orders of the Hon'ble Chairman, Central Administrative Tribunal, New Delhi. The Bench heard the counsel for the parties present representing either side at length, and besides deciding the issue referred to the Full Bench, with the consensus of the counsel representing the parties, the Original Applications shall also be disposed of on the basis of the finding to be arrived at on the issue referred to the Larger Bench.

3. In OA-967/90, K. George Varghese and 25 others at the relevant time have been working as Lower Division Clerk

contd...



Naval Store Depot, Naval Base, Cochin Port. The details of their initial appointment on casual basis and the date of their regularisation as L.D.C. has been given in Annexure A-I. They have prayed for the grant of the reliefs that they should be considered in regular service as Lower Division Clerks with effect from their date of initial appointment on casual basis by ignoring the breaks and that they should be given the benefit of retrospective regularisation in service with revision of the seniority list and consequential promotion thereof.

4. In OA-973/90, M.O. Jose and 25 others, have also raised the same grievance and prayed for the grant of the ~~same~~ same reliefs giving in Annexure A-I the date of initial appointment on casual basis as well as date of regularisation on the posts of L.D.C.

5. In OA-30/91, V.K. Pazhimala who has been working as Stenographer and E.A. Vijayan working as Peon and the other 28 applicants working as Lower Division Clerks have also raised the same grievance and prayed for the grant of the same reliefs giving the date of their initial appointment on casual basis and date of regularisation in Annexure A-I annexed to the Original Application.

6. In OA-572/91, V.P. Sabha along with 35 other applicants who has been working in various discipline as

Progress Recorder, Assistant Librarian, Draughtsman, Tracer, Copycat Operator, Steno, Peon, UDC, LDC, Junior Scientific Assistants have also raised the same grievance and prayed for the grant of the same reliefs as in the earlier O.A.s giving their date of initial appointment on casual basis and the date of regularisation in Annexure A-I annexed with the application.

7. In OA-383/91, T.K. Ramavathy and seventy nine others who have been working as L.D.C. have raised the same grievance as raised in the earlier O.A.s and prayed for the grant of the same reliefs giving the details of their initial appointment on casual basis and the date of the regularisation in Annexure A-I annexed to the said application.

8. In OA-1579/91, V.N. Sathyavathan and 42 others who have been working as Store Keeper/Assistant Store Keeper with the respondents have raised the same grievance referred to in the above O.A.s and prayed for the grant of same reliefs.

9. In fact, the applicants in all the above referred original applications have the same grievance and so all these cases have been clubbed together and also in view of the reference of all these cases to the Full Bench, are, therefore, disposed of by common judgment and the arguments have been advanced treating all of the cases as a leading case.

It is an undisputed fact that the applicants in all these



cases were appointed in various discipline of the Navy controlled by Chief of Naval Staff and Flag Officer Commanding-in-Chief of the earmarked Naval Command or the Flag Officer of the earmarked area. It is also not disputed that they were appointed initially purely on temporary basis and their term of appointment was casual which lasted for a particular period and thereafter they were ceased from the service and again in the exigencies of the service and the job requirement, were re-engaged for another period followed by same ordeal of ceasing them from service and again re-engaging them. By this process, all the applicants continued to serve with technical breaks till the date of their regularisation in service which has been effected by an order of 24-11-1967 issued by Ministry of Defence on the subject of terms and conditions of the non-casual employees. Para 2 of the said letter is quoted Below :

" 2. I am also directed to say that the past service rendered from the date of appointment by such of the casual non-industrial personnel including those mentioned in para 1 above who are converted as regular non-industrial employees will be treated as having been rendered in the regular capacity. They will be entitled to all benefits as for regular employees viz. fixation of pay, grant of annual increments, calculation of leave pension and gratuity terminal benefits, three years limit of children education allowance, re-imbursement tuition fees, house rent allowance, medical attendance medical re-imbursement, grant of quasi-permanent status and compulsory contribution to Central Provident Fund, Contributory Provident Fund Advance of Pay etc. The financial benefit will, however, be allowed from the date of issue of these orders or the date from which the individual is converted into a regular employees whichever is later. "

10. By virtue of para 4, it is further mentioned that in cases involving break in casual service, the benefit of these orders will be admissible from the commencement of only their latest spell of continuous service without break and the period of service earlier to the break would be ignored even though their duration may have been more than a year.

11. The Ministry of Defence, however, issued a corrigendum to the aforesaid O.M. dated 24-11-1967 on 27-5-1980 on the subject of terms and conditions of service of casual non-industrial employees. The said corrigendum is reproduced below :

" The following amendments are made to this Ministry's letter No.88482/HC-4/Org-4(Civ)(d)/13754/D (Civ-II) dated 24th November, 1967 regarding terms and conditions of service of casual non-industrial employees:-

(a) In the penultimate sentences of para 2, delete the words

"grant of quasi-permanent status"

(b) At the end of second sentence of para 2 add

"excepting seniority, probationary period grant of quasi-permanency status which aspects will be regularised under the order issued from time to time in respect of persons appointed on regular basis. Service rendered on casual basis prior to appointment on regular basis shall not count for seniority. "

12. The contention of the learned counsel for the applicants is that the applicants who were appointed on casual basis initially and later on absorbed on permanent basis are placed as juniors to persons who are appointed.

on regular basis after the date of the original appointment of the applicants. It is contended that in a decision by High Court of Andhra Pradesh and different Benches of the Central Administrative Tribunal, it has been held that the persons' previous casual service with technical breaks rendered should be taken into consideration, by ignoring the artificial or technical breaks in their service. Thereafter, a Full Bench was also constituted.

The judgment of the Full Bench (Full Bench Judgments Vol III Bahri Brothers page 375) was delivered on 29-11-90 and the operative portion of the judgment is as follows :

" 20. We, therefore, answer the reference to the Full Bench as follows:-

- (i) The benefit of seniority to casual employees who were regularised in accordance with the Ministry of Defence letter dated 24-11-1967, can be given from the date of initial appointment on a casual basis, if the breaks in service are condoned, irrespective of the availability of a regular vacancy. The corrigendum issued on 27-5-1980 will not apply to regularisation from dates prior to the dates of the issue, as in the present case.
- (ii) The judgment of the New Bombay Bench dated 24/25-8-1989 in O.A. Nos. 516 and 732 of 1988, is distinguishable as the applicants in those cases were absorbed after the issue of the corrigendum dated 27.5.1980. In view of this, we see no conflict between the judgments delivered by the various Benches of the Tribunal.
- (iii) The applicants before us as well as those before the other Benches of the Tribunal similarly situated are borne on All India seniority list. The judgment of the New Bombay Bench results in determination of the seniority of such persons who were before that Bench in a different manner. We leave open the question whether such determination is legally sustainable, as the same is not germane to the issue for our consideration.

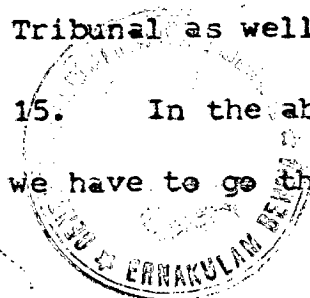
21. This order may be placed before the same Division Bench to dispose of the applications in the light of the foregoing answers. "

13. The New Bombay Bench in OA 516 and 732 of 1988 decided the similar matter while sitting at Goa in the Circuit Sitting by its judgment dated 25-8-1989. The operative portion of that judgment is quoted below :-

- "(i) Respondents shall give all benefits due to the applicants in both the cases as per the Ministry of Defence letter No.83482/EC-4/Org.4(Civ)(d)/13754/D(Civ-II) dated 24.11.1967 as amended by corrigendum No.13051/OS-SC(ii)/2968/D(Civ-II) dated 27.5.1980, from the dates on which the applicants were initially appointed on casual basis, by ignoring the artificial or technical breaks in their services,
- (ii) Respondents shall fix the seniority of the applicants in their respective grade from the dates on which they are absorbed against regular vacancies.
- (iii) Respondent no.4 shall give benefit of this order to other employees working in the establishments under him and who are similarly placed like the applicants before us.
- (iv) Respondents shall implement the above directions within six months from the date of receipt of a copy of this order.
- (iv) Both the applications are disposed of on the above lines, with no order as to costs. "

14. The judgment of New Bombay Bench has also been considered by the Full Bench referred to above in its judgment dated 29-11-90 and distinguished the judgment as the applicants in these cases were absorbed after the issue of the corrigendum dated 27-5-1980. It was held that there was no conflict between the judgments delivered by the various other Benches of the Central Administrative Tribunal as well as the New Bombay Bench.

15. In the above conspectus of facts and circumstances, we have to go through the relevant law on the point. The



main claim of the applicants in all the original applications as well as the issue framed in reference is whether the seniority can be given to a casual employee from the date of his initial appointment if such a casual employee later on is made regular by condoning the breaks in service on the availability of regular vacancy with reference to those who have been regularised after 27-5-1980. Normally, seniority is reckoned by the length in service put by an incumbent in the particular cadre or grade. There are different modes by which seniority can be judged which can be affected by recruitment rules or by administrative instructions so long they are not arbitrary, unjust and opposed to equality clause. Neither of the parties before us either in the pleadings as annexures or during the hearing of the cases filed the relevant recruitment rules pertaining to the entry to the service of the various discipline though it has come in the earlier Full Bench case that the seniority is maintained on All India basis and the matter of individuals determination of seniority was kept open because all those likely to be effected were not before the Bench who only confined the judgment to the reply to the Reference. In such a situation, it is evident that there exists rules of Recruitment for regular appointment. It also, therefore, as a corollary follows that the applicants were not appointed as per the prescribed mode of regular

appointments. In order to meet the exigencies of the service and job requirement, there are administrative instructions to give casual employments and the respondents have enclosed with the reply to the original application annexure I to Navy Instruction No.1/S of 1963. This is regarding certain financial powers and authority to sanction temporary establishments in cases of the fixed scales industrial and non-industrial. The monetary limit and the limit for the period has also been given but once these casual employees are taken on the rolls and for reasons of the exigency of the service or otherwise, they continued without break or with artificial break. They have claimed for ultimate absorption in service. The Ministry of Defence, therefore, considering such cases issued the O.M. dated 24-11-1967 and these casual employees were given certain status in equivalence of pay and other benefits like regular employees but there was no mention of the benefit of seniority in that grade or cadre. This matter was, therefore, judicially reviewed in various decisions and ultimately it has become the settled law that till the issue of corrigendum dated 27-5-1980 (which for the first time expressly mentioned that the seniority benefit shall not be made available to casual employees of such period of casual employment) the benefit of casual service before regularisation shall be given in counting the seniority. The Full Bench, however, did not confer any seniority and left it to be considered in respect of various original

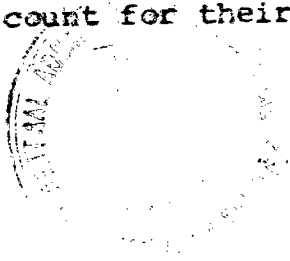
applications, separately.

16. The Hon'ble Supreme Court has considered in the case of Delhi Development Horticulture Employees' Union v. Delhi Administration, Delhi, and Others (AIR 1992 SC 789) whether right to work and livelihood is a fundamental right and ultimately held that the right to work and livelihood is placed in Chapter IV under Article 41 of the Constitution of India and is qualified by the expression : "within the limits of economic capacity and development". While disposing of this case, the Hon'ble Supreme Court observed that the employment is given by the administrative authorities firstly for temporary periods with technical breaks to circumvent the relevant rules, and is continued for 240 or more days with a view to give benefits of regularisation knowing the judicial trend with those who have completed 240 or more days are directed to be automatically regularised. A good deal of employment market has developed resulting in a new source of corruption and frustration of those who are waiting at the employment exchanges for years. Again, in a recent decision of Dr. M.A.Haque v. Union of India 1993 (24) ATC p.117, the Hon'ble Supreme Court held that regular appointments made in disregard of rules under Article 309 and bypassing UPSC should be deprecated as it will open a back door for illegal recruitment without limit. It is also observed in para

9 of the reports at page 122: " It appears that since this Court has in some cases permitted regularisation of the irregularly recruited employees, some Governments and authorities have been increasingly resorting to irregular recruitments. The result has been that the recruitment rules have been kept in cold storage and candidates dictated by various considerations are being recruited as a matter of course". It is, therefore, evident that a regular appointee can in no way be equated with an ad hoc or casual appointee who only serves during a stop-gap arrangement till the regular incumbent appointed by observing the process of recruitment joins and replaces him. However, in the exigency of service or for any other considerations, irregular appointment continued by giving artificial breaks and the Court has to take notice of the fact that these appointments cannot for all purposes be deemed to be regular appointments. Regular appointees are a class by itself while those who are working casually though have been given the same benefits of service as regular appointees on the application of principles of 'equal pay for equal work', cannot claim the benefit of the service rendered on casual basis. If this perception is accepted, then irregular appointments de hors the rules or the administrative instructions would be almost equal to

regular appointments according to rules or administrative instructions. That would not only be unjust but unfair and inequitable. The learned counsel for the applicants has referred to the case of G.P. Deval and others v. Chief Secretary, Govt. of U.P. and others reported in AIR 1984 SC p.1527. This was the case of seniority of the Khandsari Inspectors which post was initially designated as Licencing Inspectors and subsequently absorbed as Khandsari Inspector after the approval of the U.P.P.S.C. There was no binding rule of seniority and it was held in that case that length of continuous officiation prescribes a followed principle of seniority. The Hon'ble Supreme Court held that where officiating appointment is followed by confirmation, unless a contrary rule is shown, the service rendered as officiating appointment cannot be ignored for reckoning length of continuous officiation for determining the place in the seniority list. The case of G.P. Deval cannot be of any assistance to the applicants as those Khandsari Inspectors though earlier designated as Licencing Inspectors were duly appointed on the newly created posts. Here, in the case of the applicants though their casual appointment was extended from time to time with artificial breaks, still there was regular appointment going on in the service which has All India service liability with All India seniority list and as such, the another class of persons have intermaddled during this course of their casual

employment. It was only by the Government, Ministry of Defence order of 24-11-1967 that they were given certain benefits available to regular appointees but there was a latent ambiguity in that order with respect to giving of seniority which has been clarified by the Full Bench by its order dated 29-11-1990. The Full Bench, however, did not find fault with the corrigendum of 27-5-80 and also that the judgment of the New Bombay Bench wherein the relief of grant of benefit in the counting of seniority of the service rendered on casual basis was disallowed. In the case of the applicants who have been regularised after 27-5-1980, there is an office instruction which has modified the scheme of regularisation undertaken by the O.M. of 24-11-1967. This clarification to the original scheme shall be available from the date of the issue of the order, i.e., 27-5-1980 and that has also been held by the earlier Full Bench in its order dated 29-11-1990. The applicants in these applications have not challenged the virus of corrigendum dated 27-5-1980. Thus, the case of G.P. Deval cannot be applied to the case of the applicants inasmuch as in the present case there is a definite administrative instruction for counting of seniority of those casual employees who are subsequently regularised and the date from which they become the member of the service shall count for their seniority in the cadre/grade.



17. The other case cited by the learned counsel for the applicants is Delhi Water Supply and Sewage Disposal Committee and Others v. R.K. Kashyap and others - AIR 1989 SC p.278. The Hon'ble Supreme Court in this case considering the nature of the employment of Executive Engineers in the Delhi Water Supply and Sewage Disposal Undertaking held that ad hoc appointments followed by regularisation of service will count for determining seniority in the absence of any specific rule to the contrary. Thus, this authority also cannot be applied to the case of the applicants. As said earlier, there is a definite administrative instruction for determining the seniority as laid down in the corrigendum dated 27-5-1980. Further, in this case also, it has been held that if ad hoc appointments or temporary appointments are made without considering the claims of seniors in the cadre, the service rendered in such appointment should not be counted for seniority in the cadre. It is further observed that the length of service in ad hoc appointment or stop-gap arrangement made in the exigencies of the service without considering the claims of all the eligible and suitable persons in the cadre ought not to be reckoned for the purpose of determining the seniority in the promotional cadre. To give the benefit to such service to a favoured few would be contrary to equality of opportunity enshrined in Article 14 and 16 of the Constitution. In the case of the petitioners before us,

the regular appointments were not stopped and none of the regular appointees during the period from the date of initial appointment of the applicants on casual basis to the date of their regularisation in service, has been impleaded to safeguard their interest. Naturally, who have come regularly should not be deprived of their benefit. The applicants while working on casual basis had an equal opportunity to come by way of regular appointment on a regular basis in the service.

18. The learned counsel for the applicants has also referred to the case of D.S.Nakara v. Union of India reported in AIR 1983 SC p.130. The Hon'ble Supreme Court while interpreting Article 14 of the Constitution of India laid down that class legislation is forbidden, it permits reasonable classification and that classification must satisfy the twin tests of classification being founded on an intelligent differentia which distinguishes persons or things that are grouped together from those ~~data~~ left out of the group and the differentia must have a rational nexus to the object sought to be achieved by the classification. In the present case, however, those who have come directly to the service and were regularly appointed forms a class by themselves than those who are given irregular appointments on casual basis and continued for number of years with artificial breaks were subsequently under the O.M. 24-11-1967

directed to be regularised for getting all benefits of regular appointees form a different class. Both these classes cannot be equated but since the incumbents falling in both the classes discharge same and similar functions, they are entitled to and have been rightly granted emoluments and service benefits. Since this O.M. of 24-5-1967 was silent on seniority, this latent ambiguity has been judicially interpreted to give the benefit of giving seniority to these persons regularised before 27-5-80. However, by the corrigendum of 27-5-1980, the latent ambiguity has been cleared by the administration itself, and as such, the applicants cannot aspire for claiming the seniority with the regular appointees for the reason that they belong to different class and for the reasons to be given hereinafter in the judgment.

19. The learned counsel for the applicants also referred to the case of P.D. Aggarwal and others v. State of U.P. reported in AIR 1987 SC p.1676. The learned counsel pointed out the observations in para 19 of the report at page 1686 where the Hon'ble Supreme Court held that administrative order of instruction cannot amend or supersede the statutory rules. By this, the learned counsel wants to enforce the arguments that the corrigendum dated 27-5-1980 in fact is an amendment issued of the earlier O.M. dated 24-11-1967. However, it is not so. The point of seniority remained unnoticed

in para 2 of the O.M. of 1967 and that has been cleared because in the earlier O.M., "etc. etc." was used.

However, this corrigendum shall be applicable from the date of issue, i.e., 27-5-1980 and this has also been observed in the earlier Full Bench in its order dated 29.11.1990.

20. We have also considered the impact of the judgment of the Constitutional Bench in the case of Direct Recruit Class II Engineering Officers' Association v. State of Maharashtra and Others reported in 1990 Vol.13 ATC p.348. The Hon'ble Supreme Court has considered almost all its earlier decisions on the point of seniority including the case of Delhi Water Supply and Sewage Disposal Committee (supra). The conclusions have been summed up in para 47 and the relevant clause (A) and (B) are reproduced below :

- " (A) Once an incumbent is appointed to a post according to rule, his seniority has to be counted from the date of his appointment and not according to the date of his confirmation.

The corollary of the above rule is that where the initial appointment is only ad hoc and not according to rules and made as a stop-gap arrangement, the officiation in such post cannot be taken into account for considering the seniority.

- (B) If the initial appointment is not made by following the procedure laid down by the rules but the appointee continues in the post uninterruptedly till the regularisation of his service in accordance with the rules, the period of officiating service will be counted. "

21. The interpretation of clause (A) and (B) has also



been done by Hon'ble Supreme Court in the case of State of West Bengal and Others v. Aghore Nath Dey (SC) and Others reported in 1993 ATC (24) p.932, in the Three-Judges Bench in its decision dated April 2, 1993 and in para 22, their Lordship has held as follows :

"22. There can be no doubt that these two conclusions have to be read harmoniously, and conclusion (B) cannot cover cases which are expressly excluded by conclusion (A). We may, therefore, first refer to conclusion (A). It is clear from conclusion (A) that to enable seniority to be counted from the date of initial appointment and not according to the date of confirmation, the incumbent of the post has to be initially appointed 'according to rules'. The corollary set out in conclusion (A), then is, that 'where the initial appointment is only ad hoc and not according to rules and made as a stopgap arrangement, the officiation in such posts cannot be taken into account for considering the seniority'. Thus, the corollary in conclusion (A) expressly excludes the category of cases where the initial appointment is only ad hoc and not according to rules, being made only as a stopgap arrangement. The case of the writ petitioners squarely falls within this corollary in conclusion (A), which says that the officiation in such posts cannot be taken into account for counting the seniority. "

Further, in para 25 of the reports, the further interpretation has been given :

"25. In our opinion, the conclusion (B) was added to cover a different kind of situation, wherein the appointments are otherwise regular, except for the deficiency of certain procedural requirements laid down by the rules. This is clear from the opening words of the conclusion (B), namely, "if the initial appointment is not made by following the procedure laid down by the 'rules' and the latter expression 'till the regularisation of his service in accordance with the rules'. We read conclusion (B), and it must be so read to reconcile with conclusion (A), to cover the cases where the initial appointment is made against an existing vacancy, not limited to a fixed period of time or purpose by the appointment order itself, and is made subject to the deficiency in the procedural requirements prescribed by the rules for adjudging suitability of the appointee for the post being cured at the time of regularisation, the appointee being eligible and qualified in every manner for a regular appointment on the date of initial appointment in such cases. Decision about the nature

of the appointment, for determining whether it falls in this category, has to be made on the basis of the terms of the initial appointment itself and the provisions in the rules. In such cases, the deficiency in the procedural requirements laid down by the rules has to be cured at the first available opportunity, without any default of the employee, and the appointee must continue in the post uninterruptedly till the regularisation of his service, in accordance with the rules. In such cases, the appointee is not to blame for the deficiency in the procedural requirements under the rules at the time of his initial appointment, and the appointment not being limited to a fixed period of time is intended to be a regular appointment, subject to the remaining procedural requirements of the rules being fulfilled at the earliest. In such cases also, if there be any delay in curing the defects on account of any fault of the appointee, the appointee would not get the full benefit of the earlier period on account of his default, the benefit being confined only to the period for which he is not to blame. This category of cases is different from those covered by the corollary in conclusion (A) which relates to appointment only on ad hoc basis as a stopgap arrangement and not according to rules. It is, therefore, not correct to say, that the present cases can fall within the ambit of conclusion (B), even though they are squarely covered by the corollary in conclusion (A). "

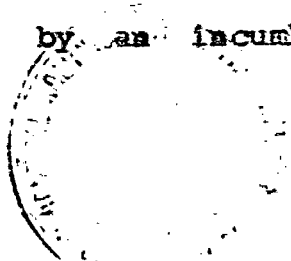
22. A similar point came before the Hon'ble Supreme Court where the case was not covered by any of the classes (A) and (B) of the Direct Recruit, ^{Class II} Engineering Officers' Association case and in the case of M.A.Haque (supra). The Hon'ble Supreme Court considered this matter and observed while considering a direction given in the case of Dr. A.K. Jain v. Union of India 1987 Suppl. SCC p.497 that A.K.Jain and others were not appointed according to the rules and they do not come within the scope of guideline (A) laid down in Direct Recruit Class II Engineering Officers' Association case. In fact, they do not fall under guideline (B) either since their

regularisation is not in accordance with the rules but as a consequential of special procedure laid down by this Court. The expression 'in accordance with the rules' or 'according to rules' used in the said guidelines (A) and (B) means the rules of recruitment and not the special procedure laid down by this court. The petitioner Dr. Haque was one of the medical officers who was recruited in the railways on ad hoc basis between 1968 and October 1, 1984. It was directed in Dr. A.K. Jain's case (supra) that the services of such ad hoc doctors shall be regularised through the U.P.S.C. The Hon'ble Supreme Court ultimately directed that the seniority of the direct recruits both outsider and insider should be determined according to the dates of their regular appointments through the UPSC and the petitioners-applicants should be placed in the seniority list after those direct recruits who are regularly recruited till this date. The case of the applicants, therefore, is fully covered by the above decision of the Hon'ble Supreme Court inasmuch as they could get seniority from the date of absorption in the service and not earlier to that by virtue of corrigendum of 27-5-1980.

23. Again, in a recent decision of S.K. Saha v. Prem Prakash Aggarwal and Others, Three-Judges Bench of Hon'ble Supreme Court by its decision dated 23-11-1990 reported in 1994 (26) ATC p.607, held that service rendered prior

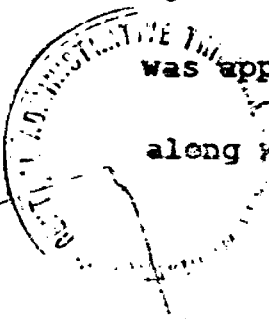
to regular appointment could not count for seniority. Though, in fact, the point considered was an officiation on a post when it was non-gazetted post which subsequently became gazetted and it was held that the earlier period cannot be counted as continuous officiation on the post. Petitioner of that case was appointed to that post on the recommendations of the Commission and the date of appointment could not have been ante-dated and made to be effected sometimes with effect from 1957 when the petitioner officiated, while the recommendations of the Commission were of May 12, 1960.

24. The point was also indirectly considered by the Hon'ble Supreme Court in the case of A.N. Sehgal and Others v. Raje Ram Sheoran and Others reported in 1993 (24) ATC p.1559. The Hon'ble Supreme Court while considering the rules of Haryana Service of Engineers, Class I, PWD (Roads and Buildings Branch) Rules, 1960, held that it is necessary to claim the benefit of continuous officiation that one must have attained membership of the service. Unless a person is appointed substantively to his cadre post, service prior to membership would be treated as fortuitous only which could not be counted for seniority. It is further laid down that the service rules should be strictly implemented and wanton or deliberate deviation in implementation should be curbed and snubbed. In the cases in hand, primarily the issue is whether the casual service rendered by an incumbent



without undergoing pre-appointment tests necessary for regular appointments can be counted as a service for the purpose of seniority. It is not the case of the applicants that their initial appointment was regular. The applicants also at no point of time before the regularisation of their service approached for a judicial review for a declaration that for all purposes, they have become regular employees of the respondents. When the respondents have formed a policy to regularise the irregular appointees by the O.M. of 24-11-1967, some of the cases cropped up before various judicial forum and the decisions were given in those cases. During this period, a corrigendum has also been issued on 27-5-1980. It may be recalled that these applications have been filed in 1991. The corrigendum only clarifies the impact and implementation of the scheme of regularisation envisaged in the O.M. of 24-11-1967. During this period, from their initial appointment of some of the applicants to the date of filing this application or to the date of their regular appointments, many persons have been recruited according to the rules in the regular stream of the service and none of them has been made a party to safeguard their interest. The virus of corrigendum of 27-5-1980 has not been challenged. The learned counsel for the respondents has also referred to the authority of the case of State of Tamil Nadu and Another, appellants v. E. Paripurnam and Others, respondents reported in

AIR 1982 SC p.1823, where the Hon'ble Supreme Court held that where appointment was made temporarily of certain Junior Professors by Government and thereafter selection of these candidates along with others by PSC for regular appointment and the services were thereafter regularised, this temporary service rendered by such candidates cannot be counted for determining seniority. The learned counsel for the respondents emphasised that the relief granted by the Madras High Court has been reversed by the Hon'ble Supreme Court on the ground that the respondents were appointed temporarily and otherwise in accordance with the rules. They were later selected along with others for direct recruitment by the PSC. They were not entitled to count their temporary service for seniority. Though facts of this case are not in parimateria with the cases in hand but the principle of law is there that if there are two classes by itself as one of the classes comes through proper channel envisaged in the recruitment rules will have a claim for seniority than the other class of irregular appointees which are regularised on the basis of administrative instruction. The counsel for the applicants also placed reliance on the case of Excise Commissioner, Karnataka and Others, appellants v. V.Shrikanta. This case goes against the applicants themselves. The respondent V.Shrikanta was appointed as an Inspector of Excise on January 17, 1968 along with 37 other persons. It has been indicated in the



said letter that appointment is purely temporary and services are liable to be terminated at any time without notice. Their services were regularised sometimes in 1971. The respondent V. Shrikanta got the relief by the Division Bench of the Karnataka High Court which was earlier disallowed by the Hon'ble Single Judge of the Karnataka High Court. The Hon'ble Supreme Court affirmed the decision of the learned Single Judge of the Karnataka High Court holding that the respondent Shri V. Shrikanta was not entitled to claim seniority from the date of his initial appointment on ad hoc basis but he was only entitled to claim seniority from the date of his subsequent appointment on regularisation under the special rules of recruitment in 1970. Coming to the cases in hand, the applicants were given only casual employment in an irregular manner but under a policy, they were subsequently absorbed. The date of absorption in service as laid down in the corrigendum dated 27-5-1980, therefore, is relevant to give benefit of seniority from the date of absorption or regularisation in service.

25. In the light of the discussions aforesaid, we held that casual service rendered prior to 27-5-80 will not count for seniority for those casual employees who were regularised after 27-5-80, irrespective of whether intermittent breaks of casual service were condoned or not. We answer the reference accordingly. It follows

that the applications have to be dismissed and they are accordingly dismissed. Parties will suffer their costs.

Dated, this the 1st day of July, 1994.

Sd/-
P.V.VENKATAKRI SHNAN
MEMBER (A)

Sd/-
J.P.SHARMA
MEMBER (J)

Sd/-
CHETTUR SANKARAN NAIR (J)
VICE-CHAIRMAN.



CERTIFIED TRUE COPY
Date 12.7.96.....

Mammy
Deputy Registrar

Enclosure: List of Annexures.

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

CPC 179/93 in O.A.572/91 &
CPC 186/93 in O.A.383/91

Monday this the 3rd day of January, 1994.

In CPC 179/93 in O.A.572/91

1. V.P.Sobha, Progress Recorder, Naval Aircraft yard, Naval Base, Cochin-4.
2. Davis Varkey, Progress Recorder, Naval Aircraft Yard, Cochin-4.
3. M.M.Alameu, Progress Recorder, naval Aircraft Yard, Cochin-4.
4. E.J.Saramma, Progress Recorder, Naval Aircraft Yard, Cochin-4.
5. Jayanthi Shanker, Asstt.Librarian, Naval Aircraft Yard, Cochin-4.
6. Sreekala M.S., Assistant Librarian, Naval Aircraft Yard, Cochin-4.
7. A.E.Constant, Draughtsman, Naval Aircraft yard, Cochin-4.
8. V.K.Sivakumar, Tracer, Naval Aircraft yard, Cochin-4.
9. V.Kuttan, Peon, I.N.S.Garuda, Naval Base, Cochin-4.
10. A.C.Jose, Copycat Operator, Naval Aircraft Yard, Cochin-4.
11. P.C.Valsa, Stenographer, I.N.S Garuda, Naval Base, Cochin-4.
12. K.S.Babu, Stenographer, Headquarters, Southern naval command, Cochin-4.
13. K.N.Ambika Kumari, Stenographer, Headquarters, Southern Naval Command, Cochin-4.
14. M.J.Viswaswari, Steno, I.N.S Garuda, Naval Base, Cochin-4.
15. R.Nagammal, Steno, Naval Aircraft Yard, Cochin-4.
16. Mary John, Steno, Naval Aircraft yard, Cochin-4.
17. Ammini Kuruakose, Steno, I.N.S.Garuda, Naval Base, Cochin-4.
18. M.Chandramathi, U.D.C, I.N.S.Venduruthy, Naval Base, Cochin-4.
19. Molly Varghese, U.D.C, Naval Aircraft Yard, Cochin-4.
20. Ravikumar, Draughtsman, I.N.S. Venduruthy, Naval Base, Cochin-4.
21. Ramadevi K.D., Tracer, I.N.S.Venduruthy, Naval Base, Cochin-4.

22. K.G.Ushakumari, Steno, Naval Air Technical School, Naval Base, Cochin-4.
23. Luciamma Joseph, U.D.C
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24. Margret Celine, L.D.C., I.N.S.Venduruthy,
Naval Base, Cochin-4.
25. V.V.Eliyamma, L.D.C., I.N.S.Venduruthy,
Naval Base, Cochin-4.
26. Lilly David, L.D.C.I.N.S Garuda,
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27. N.K.Baiju, Draughtsman, A.S.W.School,
I.N.S.Venduruthy, Naval Base, Cochin-4.
28. K.K.Vijayamma, Draughtsman, I.N.S.Venduruthy,
Naval Base, Cochin-4.
29. C.G.Shylaja, L.D.C., Naval Aircraft Yard,
Cochin-4.
30. K.C.Jessily, L.D.C., I.N.S.Garuda,
Naval Base, Cochin-4.
31. Reshmi.N.Menon, L.D.C., Station Health Organisation
Naval Base, Cochin-4.
32. Latha Unnikrishnan, L.D.C., I.N.S.Venduruthy,
Naval Base, Cochin-4.
33. O.V.Sukumari, L.D.C., I.N.S.Venduruthy,
Naval Base, Cochin-4.
34. K.P.Lalitha, Junior Scientific Assistant,
I.N.S.Venduruthy, Naval base, Cochin-4. .. Petitioner

By Advocate Shri V.V.Nandagopal

vs.

Mr.Indrajith Bedi, Flag Officer,
Commanding in Chief, Southern Naval Command,
Naval Base, Cochin-4. ..Respondent

By Advocate Mr.Unnikrishnan rep. SCGSC
In CPC 186/93 in O.A.383/91

1. T.K.Ramavathy, L.D.Clerk, Naval Aircraft Yard,
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2. C.C.Vincenssia, L.D.Clerk, Head Quarters Southern Naval Command,
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3. P.N.Bharathan, L.D.Clerk, Signal School,
I.N.S.Venduruthy, Naval Base, Kochi-4.
4. M.M.Bhaskara Kurup, L.D.Clerk, Headquarters,
Southern Naval Command, Naval Base, Kochi-4.
5. K.Bhasi, L.D.Clerk, Head quarters, Southern Naval Command,
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6. T.V.Joseph Michael, L.D.Clerk, Head Quarters, Southern Naval
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7. P.Savithri, L.D.Clerk, I.N.S.Venduruthy, Naval Base, Cochin-4.

8. P.Chandrasekharan, L.D.Clerk, Headquarters, Southern Naval Command, Kochi-4.
9. K.Geetha, L.D.Clerk, Head Quarters Southern Naval Command, Kochi-4.
10. K.Rugmani, L.D.Clerk, Head Quarters Southern Naval Command, Cochin-4.
11. C.P.Bhargavi, L.D.Clerk, I.N.S.Garuda, Naval Base, Kochi-4.
12. G.Prasannakumari, L.D.Clerk, Head Quarters, Southern Naval Command, Cochin-4.
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14. Sarala V.Pillai, L.D.Clerk, Headquarters Southern naval Command, Kochi-4.
15. Priyamvadha A.S., L.D.Clerk, Headquarters, Southern Naval Command, Cochin-4.
16. M.Annamma , L.D.Clerk, Headquarters, Southern Naval Command, Cochin-4.
17. K.A.Sudarshnan, L.D.Clerk, Naval Air Craft Yard, Cochin-4.
18. S.Girija, L.D.Clerk, Naval Air Craft yard, Cochin-4.
19. S.Kamalakshi Ammal, L.D.Clerk, Naval Aircraft Yard, Cochin-4.
20. V.Usha, L.D.Clerk, Naval Air Craftyard, Kochi-4.
21. K.Vijayamma, L.D.Clerk, Naval Air craft yard, Cochin-4.
22. Santha Gopinath, L.D.Clerk, I.N.S.Venduruthy, Cochin-4.
23. Leenet Joseph, L.D.Clerk, I.N.S.Venduruthy, Cochin-4.
24. Leela Thomas, L.D.Clerk, I.N.S.Venduruthy, Cochin-4.
25. K.M.Maria Jasintha, L.D.Clerk, Signal School, I.N.S.Venduruthy, Cochin-4.
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29. P.T.N.Shajeevan, L.D.Clerk, Naval Aircraft yard, Cochin-4.
30. Chandrakumari B. L.D.Clerk, I.N.S.Garuda, Cochin-4.

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45. C.B.Sobhana, L.D.Clerk, Head Quarters Southern Naval Command, Cochin-4.
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48. Kusumam Varghese, L.D.Clerk, Head Quarters Southern Naval Command, Cochin-4.
49. K.K.Seethamoni, L.D.Clerk, Head Quarters Southern Naval Command, Kochi-4.
50. Mohandas T.V.L.D.Clerk, Head Quarters Southern Naval Command, Kochi-4.
51. Vanaja Sundheer, L.D.Clerk, I.N.S.Venduruthy, cochin-4.

52. T.S.Suma, L.D.Clerk Naval Aircraft Yard, Cochin-4.
53. T.R.Omana, L.D.Clerk, Naval Aircraft Yard, Cochin-4.
54. L.Ramadevi, L.D.Clerk, Naval Aircraft Yard, cochin-4.
55. G.Vijayalakshmiammal , L.D.Clerk, Naval aircraft Yard, Cochin-4.
56. N.Girija, L.D.Clerk, I.N.S.Garuda, Naval base, Cochin-4.
57. K.Muktha Bai, L.D.Clerk, I.N.S.Garuda, Naval base, Cochin-4.
58. C.R.Sajive Babu, L.D.Clerk, Naval Base Depot, Cochin-4.
59. M.A.Joseph Roy, L.D.Clerk, Naval Store Depot, Kochi-4.
60. Syamadas K. L.D.Clerk, INS Garuda, Kochi-4.
61. M.C.Venugopalan, L.D.Clerk, I.N.S.Garuda, Kochi-4.
62. K.Raveendran,L.D.Clerk, Head Quarters, Southern Naval Command, Kochi-4.
63. K.Raghunathan Pillai, L.D.Clerk, Head Quarters Southern Naval Command, Kochi-4.
64. P.R.Jayachandran, L.D.Clerk, Base Logistic Office, Kochi-4.
65. N.Snatha, L.D.Clerk, Head Quarters Southern Naval Command, Cochin-14.
66. P.I.Chechamma, L.D.Clerk, Base Logistic Office, Naval Base, Cochin-4.
67. A.K.Gopi, L.D.Clerk, Head Quarters Southern Naval Base, Cochin-4.
68. Omana Antony, L.D.Clerk, I.N.S Venduruthy, Cochin-4.
69. K.R.Appu, L.D.Clerk, Headquarters, Southern Naval Command, Cochin-4.
70. Jacob Antony, L.D.Clerk, I.N.S.Venduruthy, Cochin-4.
71. K.S.Indira, L.D.Clerk, INS Venduruthy, Cochin-4.
72. N.N.Sathiabhama, L.D Clerk, I.N.S.Venduruthy, Cochin-4.
73. M.K.Sreerekha, L.D.Clerk, INS venduruthy, Naval base, Cochin-4.

.6.

74. T.J.Alice, L.D.Clerk, I.N.S Venduruthy, Naval Base, Cochin-4.

75. P.G.Elizabeth, L.D.Clerk, Naval Aircraft Yard, Cochin-4.
..Petitioners

By Advocate Shri V.V.Nandagopal

vs.

Mr.Indrajith Bedi, Flag Officer Commanding-in-Chief,
Southern Naval Command, Naval Base, Cochin-4. .. Respondents

By Advocate Shri T.P.M.Ibrahim Khan

CORAM:

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

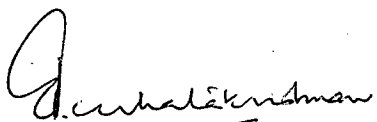
HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

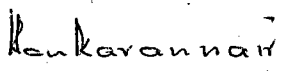
ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Petitioners submit that they do not wish to pursue the Contempt Petitions at present. According to them the final shape of things will be clear only after the Full Bench decides O.A.572/91 and O.A. 383/91. They submit that they may be granted freedom to take appropriate action after the aforesaid cases are decided, should occasion arise. Reserving freedom to do so, the petitions are dismissed. No costs.

Dated the 3rd of January ,1994.


P.V.VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

njj/4.1.