

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No. 595 of 1995

Tuesday this the 2nd day of May, 1995.

CORAM

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

HON'BLE MR. S.P. BISWAS, ADMINISTRATIVE MEMBER

K.P.Jayalakshmi Vijayakumar,  
Lower Division Clerk,  
Indian Naval Ship,  
Venduruthy, Kochi-14  
res. Shreyas, Dr.George Road,  
Kochi.17.

.... Applicant

(By Advocate Mr.Sreeraj for M.R.R.Nair)

Vs.

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

2. The Chief of Naval Staff,  
Naval Headquarters,  
R.K.Puram, New Delhi.

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

... Respondents

(By Advocate Mr.T.R.Ramachandran Nair,ACGSC)

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant seeks a declaration that her services are liable to be regularised as Lower Division Clerk with effect from 5.3.86. She relies on an order of a Bench of this Tribunal (A5) to support her claim. That order, which is very brief reads:

"We direct the respondents to regularise the service of all applicants as L.D.Cs... when next permanent vacancies occur...bearing in mind the observations of the Full Bench...."


2. With great respect we find no declaration of law, nor adjudication of facts. Such cannot be precedent and precedent if it be, it will be precedential tyranny to borrow the graphic phraseology of Krishna Iyer (J). We find no merits nor grounds to quash A8 order rejecting applicant's claim.

3. We dismiss the application. But this will not stand in the way of the applicant from moving an authority higher to second respondent. At once this observation will not confer a cause of action on applicant.

4. With the aforesaid observation, the application is disposed of. No costs.

Dated the 2nd day of May, 1995.

  
S.P. BISWAS  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

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List of Annexures

- Annexure-A5: True copy of the order dated 28.5.92  
in O.A.679/91 of this Honourable Tribunal.
- Annexure-A8: True copy of the order No.CS 2046/43 dated  
11.10.94 issued by 1st respondent to the  
applicant.