

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A.No.597/2007**  
**Dated the 11<sup>th</sup> day of March, 2008.**

**CORAM:**

## **HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

K Viswanathan Pillai  
Mazdoor, A/C Section, MES,  
GEE&M(Navy), Naval Base, Kochi  
Residing at Cherukarathekathil House,  
Vettikavala P O, Kottarakara,  
Kollam (Dist) Pin 691 538. ....Applicant

By Advocate Mrs.K.Usha for Mr.P.Santhalingam

V/s.

- 1 Union of India represented by  
Secretary to Government,  
Ministry of Defence,  
Government of India, New Delhi
- 2 Garrison Engineer (I)  
E/M (NW), Kataribagh, Kochi – 682 004.
- 3 The Chief Engineer (Navy),  
Kochi
- 4 Engineer in Chief,  
Army Headquarters,  
DHQ PO, New Delhi

... Respondents

By Advocate Mr.TPM Ibrahim Khan SCGSC

The application having been heard on 11.3.2008 the Tribunal on the same day delivered the following :

**(ORDER)**

## **Hon'ble Shri George Paracken, Judicial Member**

The applicant entered service as a Mazdoor in November, 1989 in the office of GE (Airforce) Nal, Bikaner District, Rajasthan. Later

on, on his own request, he was transferred to CESC GE E/M, Kochi vide Annexure R 2 letter No.132407/WC//7/CZ/E 1B(E) dated 6.12.97 issued by the Headquarters, Southern Command, Engineers Branch, Pune with the condition that his seniority in the new unit will be reckoned only from the date of his reporting there. Presently, he is working as a Mazdoor under the A/C Section (MES) No.374356, A G E E/M/No.III, G E E & M(Navy), Kattaribagh Naval Base, Kochi. However, after reporting for duty at the present place of posting, he made the Annexure A-V representation dated 29.5.2007 stating that persons similarly situated after having approached the various Benches of this Tribunal got their service regularised against the post against which they were initially appointed as per Recruitment rules w.e.f. 18.11.99, by virtue of certain orders passed by Hon'ble Supreme Court. He has, therefore, requested the respondent no.3, namely, The Chief Engineer (Navy), Kochi to treat him also in similar manner.

2 The 3<sup>rd</sup> respondent by the Annexure A-VI letter dated 30.6.2007, returned the aforesaid representation of the applicant stating as under:-

- (a) The individual reported to this office for duty on 16 January 1998 as Mazdoor. This office is not aware of this case fully in details, as the individual never applied for the previous services entered in the department. However the CAT order enclosed alongwith application not found full pages and not attested also.
- (b) More over the application should be addressed to CE (AF) WAC, Delhi Cantt through proper channel as such the individual may please be directed to submit the same.

(c) The consequential benefits as requested by the individual in his application under para 3 can only be progressed on receipt of amendment to his movement order/LPC."

3 As seen from the above, one of the reasons for not considering his request was that the competent authority to deal with this case is the CE(AF) WAC, Delhi Cantt. He was, therefore, advised to sent his representation through proper channel to the aforesaid authority. Without complying with the aforesaid direction of respondent no.3, the applicant has approached this Tribunal straight away. The 3<sup>rd</sup> respondent has also vide Annexure A-VII letter dated 14.9.2007 addressed to GE(1) E/M(NW), Kochi stated that the Applicant was not a Applicant in OA 221/04 decided on 5.9.94 and in the absence of Government order making the said judgment applicable to all the employees, the plea of the applicant cannot be considered. Impugning those Annexure A-VI and A-VII letters dated 30.6.07 and 14.9.2007 respectively, the applicant has filed the present OA seeking the following relief:-

"(a) call for the records connected with the case and quash Annexure A-VI and A-VII orders and declare that the applicant is entitled to promotion with all consequential benefits.

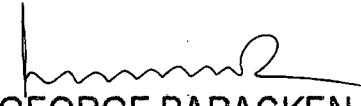
(b) direct the respondents to promote the petitioner w.e.f. 1989 onwards and pay all consequential benefits to the applicant.

(c) direct the respondents to consider the claim of the applicant to be promoted on the basis of station seniority.

(d) grant such other relief, which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."



4 I have heard Advocate Mrs. K.Usha for Mr.P.Santhalingam for the Applicant and Advocate Mr.Shaji VA for Mr.TPM Ibrahim Khan SCGSC for the Respondents. It is seen that the prayer in the OA and the representation made by the applicant has no connection. In his representation, he has requested for regularisation of his service as Mazdoor and in the OA he has prayed for promotion. The Applicant has also not adduced sufficient reasons why he should be promoted. In my considered opinion, the best course open to him is to file a detailed representation to the CE(AF) WAC, Delhi Cantt through proper channel as advised by respondent no.3 in the Impugned order dated 30.6.07. He may do so within three weeks from the date of receipt of a copy of this order. On receipt of such a representation from the applicant, the 4<sup>th</sup> respondent shall consider his case in accordance with the rules and give him a reasoned and speaking order. With the above direction, the OA is disposed of. There shall be no orders as to costs.



GEORGE PARACKEN  
JUDICIAL MEMBER

abp