

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNĀKULAM BENCH

OA 599/2003

Dated Tuesday this the 22nd day of July 2003.

C O R A M

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER  
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

1. P.Sethumadhavan  
S/o Late Shri C.Kunhan Nair
2. Vijayan Paripoilan  
S/o Shri K.Gopalan
3. P.S.Sanu  
S/o Late Shri P.K.Sadanandan.
4. M.K.Mohammed Koya  
S/o Late Sri M.K.Kunju Mohammed.
5. T.N.Shaji  
S/o Late Shri Kela Narayanan.
6. V.V.Nalini  
D/o Late Shri K.V.Vasudevan Elayath.
7. T.Kunchu  
S/o Late Shri K.Theethy.
8. D.Girijakumari  
W/o Late Shri G.Vijayakumar  
  
(All are Lower Division Clerks,  
Naval Armament Depot, Aluva)
9. V.K.Vasu  
S/o Late Shri Kunjan.
10. P.M.Raffik  
S/o Late Shri K.M.Khader  
  
(Assistant Store Keepers,  
Naval Armament Depot, Aluva)
11. K.V.Francis  
S/o Late Joseph Varkey  
LDC, Naval Armament Depot, Aluva.
12. O.B.Jayanath  
S/o Late Shri T.K.Balakrishnan
13. G. Viswamohan  
S/o Late Shri V.Gopalan. Applicants.  
  
(Assistant Store Keepers, Naval Armament Depot,  
Aluva)

(By advocate Mr.Shafik M.A.)

Versus

1. Union of India represented by  
Secretary to Government  
Ministry of Defence  
New Delhi.
2. The Director General  
Armament Supply  
Naval Headquarters  
New Delhi.
3. The Flag Officer Commanding in Chief  
Southern Naval Command  
Cochin.
4. The General Manager  
Naval Armament Depot  
Aluva.

Respondents.

(By advocate Mr.C.Rajendran, SCGSC)

The application having been heard on 22nd July 2003, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The only issue raised by the 13 applicants in this case, who are at present working as LDCs/Assistant Store Keepers, Naval Armament Depot (NAD), Alwaye, is that the benefit of ACP Scheme by reckoning their casual service with effect from the date of regularization was denied to them. Accordingly, A-1 to A-13 orders dated 3.7.2003 communicating that they are not eligible for ACP benefit from the date of regularization of their casual service are under challenge.

2. When the matter came up for consideration on admission, Mr.Shafik M.A., learned counsel for the applicants, submitted that the issue is covered by several orders of this Tribunal, the latest being the order in OA No.497/2003 dated 27th June 2003. Mr.C.Rajendran, the learned SCGSC, who took notice for the respondents, also agreed that the matter had been considered and

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decided by this Tribunal in several cases including the order in OA 497/03 dated 27.6.2003. Both the counsel agreed that the OA can be disposed of on the basis of the earlier decisions of this Tribunal on the same issue.

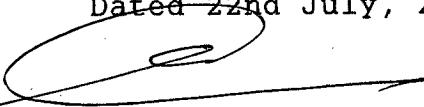
3. On going through the facts of the case and having heard the submissions made by the learned counsel of the applicant, we find that the issue of extending the ACP benefits to similar employees with effect from the date of regularization of their casual service has been considered and their claim in that regard has been upheld in OA No.755/2000 and OA No.212/02. We notice that the latest order on this point is the one in OA No.497/03 dated 27.6.03. In the latter case, we have considered the very same issue and held that the applicants therein (who are similarly placed like the applicants in this case) were entitled to the benefits of ACP with effect from the date of regularization of their casual service.

4. Respectfully following the findings in those orders, namely, OA No.755/2000, 212/02 and 497/03, we hold that the applicants are entitled to the benefit of ACP from the date of regularization of their casual service. We also take note of the fact that the impugned orders contain an observation that the representation made by the association of the employees for conferment of ACP with effect from the date of regularization of their casual service was turned down on the technical ground that the applicants being clerical staff of NAD, Alwaye, are not members of the All India Naval Clerks Association. We have to reject this ground out of hand since the whole question depends upon the eligibility of an employee to the benefit of ACP with

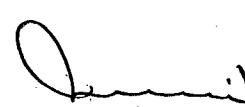
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effect from the date of regularization of his casual service whether he is a member of the association or not. That being the position, we reiterate that the applicants are entitled to the reliefs sought for. The impugned orders are set aside and the respondents are directed to grant the benefit of ACP including monetary benefit to the applicants herein reckoning their qualifying service with effect from the date of regularization of their casual service as directed by this Tribunal in the cases cited above, within a period of four months from the date of receipt of a copy of this order. No costs.

Dated 22nd July, 2003.

  
K.V. SACHIDANANDAN  
JUDICIAL MEMBER

aa.

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER