

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 613/93

Tuesday, this the 8th day of February, 1994

SHRI N. DHARMADAN, MEMBER (J)
SHRI S.KASIPANDIAN, MEMBER(A)

1. S.Lethikadevi, LDC, INHS Sanivani.
2. Mangala Bhaskaran, -do-
3. N.P.Kuttan, Peon, INHS, Sanjivani.
4. T.K.Kurian, M.T. Driver, -do-
5. K.A.James, -do-
6. P.K.Chothi, -do-
7. P.Raghuvaran, -do-
8. V.K.Vijayan, -do-
9. P.vasupillai, -do-
10. K.M.Kumari, Ward Sahaika, -do-
11. M.K.Meenakshy, -do-
12. K.C.Lilly, -do-
13. M.K.Shyamala, -do-
14. E.Parvathy, -do-
15. T.K.Parimalam, -do-
16. P.K.Rajamma, -do-
17. K.T.aley, -do-
18. K.Saraswathy, -do-
19. Mable Joseph, -do-
20. K.A.Ammini, -do-
21. P.Beatrice, -do-
22. V.S.Kusumaja, -do-
23. N.A.Ittankunju, Watchman, -do-
24. P.E.Ashraf, -do-
25. T.C.George, -do-
26. T.P.Krishnan, -do-

27. K.S.Ashokan, Watchman, INHS Sanjivani.
28. N.Prakashan, Dhobi, -do-
29. P.Venu, -do-
30. A.T.Ramakrishnan, -do-
31. T.V.Girijan, -do-
32. T.K.Shanmugan, -do-
33. P.R.Sasi, Labourer, Naval Store Depot, Kochi-4.
34. P.K.Mukundan, Labourer, INHS Sanjivani.
35. P.A.Narayani, Labourer, Naval Store Depot, Kochi-4.
36. P.P.Gangadharan, Labourer, Naval Ship Repair Yard, Kochi-4.
37. T.Antony, Naval Store Depot, Kochi-4.
38. K.K.Ayyappankutty, Barber, INHS Sanjivani.
39. K.S.krishnan, -do-
40. K.N.Rajan, Safaiwala, INS Venduruthy
41. K.Sarada, Safaiwala, INHS Sanjivani
42. Rosamma Pappachan, -do-
43. Susamma Chacko, -do-
44. K.S.Santhosh, Mali, INHS Sanjivani
45. N.T.Induchoodan, LDC, Naval Aircraft Yard, Naval Base, Kochi-4. .. Applicants

By Advocate Shri M.Girijavallabhan

V/s

1. The Union of India, rep. by Secretary, Min. of Defence, New Delhi.
2. The Flat Officer Commanding-in-Chief, HQ Southern Naval Command, Kochi-4. .. Respondents

By Advocate Shri K.Karthikeya Panicker, ACGSC.

ORDER

N. DHARMADAN

Applicants are working in Group-C and D posts in the office of the second respondent, Flag Officer Command-

ding-in-Chief, Headquarters, Southern Naval Command, Cochin-4. They are aggrieved by Annexures-A6 and A7 orders indicating that "the benefit of court judgment to non-petitioners had been rejected by the Government. Therefore, the benefit of Court judgment can be extended only to the petitioners. Notwithstanding the above, Naval HQrs is taking up the case again with the Government".

2. According to applicants, they came to know of the judgment of this Tribunal in OA 434/89 and similar cases only recently and thereafter the first applicant filed Annexure-A4 representation before the second respondent for getting the benefit of the judgment stating that she is similarly situated like the applicants in the above cases. All other applicants have also filed similar representations. Rejecting the representation of the first applicant, the impugned order, Annexure-A6, was passed. Applicants have given details of their service in Annexure-A1.

3. The factual details in the statement have not been denied or disputed by the respondents. Respondents have also produced Annexure-R1 giving the details of the service particulars of the applicants. They have admitted the statement produced by the applicants with slight variations.

4. The learned counsel for applicants submitted that the applicants are eligible for regularisation and they will be satisfied if regularisation is given to them accepting the details in Annexures-R1 with effect from the dates shown in Annexure-R1.

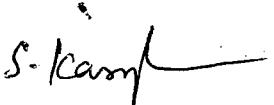
5. The respondents have raised a question of limitation and pleaded for dismissal of the original application on the ground of bar of limitation.

6. This Tribunal had also dealt with the question of limitation in a number of similar cases, the latest case is OA 1054/91. The request of the applicants cannot be rejected on the ground of limitation. In fact there is no substance in the plea of limitation.

7. Under the above circumstances, we see no justification in denying the reliefs to the applicants by the second respondent on the ground that they are not petitioners in the judgments relied on by them. We have made it clear in more than one judgments that when a declaratory judgment is passed by the Tribunal, it is the duty of the respondents to extend the benefit of the same to similarly situated persons like the applicants in the judgment, after verification of the facts and particulars given by them. Rejecting the application with the label "non-petitioner" cannot be appreciated. It is failure to discharge official duties which would cause hardship and injustice to employees. Accordingly, we reiterate our earlier decisions and dispose of the application with directions.

8. In the result, we quash the impugned orders and direct the second respondent to consider regularisation of the applicants from the dates of their initial appointment as shown in Annexure-R1 with all consequential benefits legally due to them. This shall be complied with, within a period of four months from the date of receipt of a copy of this order.

9. The application is disposed of as above. There will be no order as to costs.


(S.KASIPANDIAN)
MEMBER(A)


8.2.94.
(N.DHARMADAN)
MEMBER(J)