

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.122/09

Tuesday this the 24th day of February 2009

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

1. P.R.Anandan,
Unskilled Labourer,
Material Organisation,
Southern Naval Command, Kochi – 4.
2. K.P.Sivadasan,
Unskilled Labourer,
Material Organisation,
Southern Naval Command, Kochi – 4.
3. P.A.Kunjumohammed,
Unskilled Labourer,
Material Organisation,
Southern Naval Command, Kochi – 4.
4. C.P.Baby,
Unskilled Labourer,
Material Organisation,
Southern Naval Command, Kochi – 4.
5. M.R.Joseph,
Unskilled Labourer,
Material Organisation,
Southern Naval Command, Kochi – 4.
6. A.J.Joseph,
Unskilled Labourer,
Material Organisation,
Southern Naval Command, Kochi – 4.
7. C.G.Suresh,
Unskilled Labourer,
Naval Ship Repairing Yard,
Southern Naval Command, Kochi – 4.
8. P.K.Paramu,
Unskilled Labourer,
Naval Ship Repairing Yard,
Southern Naval Command, Kochi – 4.
9. K.K.Balakrishnan,
Unskilled Labourer,
Naval Ship Repairing Yard,
Southern Naval Command, Kochi – 4.



10. K.K.Unnikrishnan,
Unskilled Labourer,
Naval Aircraft Yard,
Southern Naval Command, Kochi – 4.

11. K.K.Ambujakshan,
Unskilled Labourer,
I.N.S.Vunduruthy,
Southern Naval Command, Kochi – 4.

12. M.K.Babu,
Unskilled Labourer,
I.N.S.Garuda,
Southern Naval Command, Kochi – 4.

...Applicants

(By Advocate Mr.C.S.G.Nair)

Versus

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

2. Union of India represented by its Secretary,
Ministry of Defence, South Block,
New Delhi – 110 001.

...Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan,SCGSC)

This application having been heard on 24th February 2009 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

This joint application has been filed by 12 unskilled labourers (regularised) seeking the two fold reliefs as under :-

1. To direct the respondents to regularise their services from the date of their initial appointment on casual basis after condoning the artificial breaks in their services and grant all other consequential benefits flowing in terms of Annexure A-2 "Grant of temporary status and regularisation scheme" issued by DoPT vide OM No.51016/2/90-Estt (c) dated 10.9.1993.

2. To direct the respondents to refix their pay and allowances on their regularisation in terms of Annexure A-6 OM No.49014/4/2007 – Estt. (c), dated 9.5.2008 issued by the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training in which it has been decided that "the pay of casual workers with temporary status on their regularisation against Group 'D' posts in identical



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grades will be fixed after taking into account the increments already earned by them in the Group 'D' pay scale which was taken into account for payment of wages while working as casual worker with temporary status."

2. I have heard Shri.C.S.G.Nair for the applicants and Shri.M.L.George on behalf of Shri.T.P.M.Ibrahim Khan,SCGSC for the respondents. On a perusal of the joint application filed by the applicants it is seen that there is no indication that they have availed themselves of the departmental remedies before approaching this Tribunal. The Annexure A-5 representation dated 5.1.2009 is an unsigned common representation by "Unskilled Labourer, Southern Naval Command, Kochi". In the said representation it has been stated that the representationist had worked for more than 206 days in an year but he was not conferred with temporary status on time. He has, therefore, requested the respondents to confer him with temporary status on completion of 206 days of casual work and regularise him in service. According to Shri.C.S.G.Nair, counsel for the applicants, such identical representations have been given by all the applicants herein.

3. In my considered opinion the applicants have a duty to give full details of their services separately to the respondents. The dates of their engagement in service, dates of their completion of 206 days casual service etc. would be different in each case. Counsel for the applicants submitted that he will ask the applicants concerned to make individual representations seeking grant of temporary status/regularisation as well as fixation of pay in accordance with the extant rules as noted above.



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4. In the above facts and circumstances of the case, I dispose of this OA with a direction to the 1st respondent that if individual representations are received from these applicants, they shall be considered in accordance with the rules and give them detailed replies within a period of two months from the date of receipt of such representations. If the applicants request for grant of temporary status/regularisation from an earlier date is acceptable to the respondents, they shall be granted to them. In any case, if the applicants have any further grievances in the matter they are at liberty to approach this Tribunal. As far as fixation of pay is concerned, there is no dispute in the matter. The respondents ought to have applied Annexure A-6 OM dated 9.5.2008 in their cases reckoning the dates of temporary status already granted to them. This refixation shall be done within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

(Dated this the 24th day of February 2009)


GEORGE PARACKEN
JUDICIAL MEMBER

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