

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.2266/93 and O.A.148/94

Tuesday, this the 4th day of April, 1995.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

O.A.2266/93

1. NK Bhasi,
Nikathithara House,
Nayarambalam.
2. NS Manoharan,
Nikarthil House,
Kumbalanghi.
3. TG Sunilkumar,
Thundathilparambil,
Martin Puram, Maradu North.
4. MP Gopi,
Malikathara House,
Edacochi.
5. TT Purushothaman,
Thettayil House,
Kadupath, Vytila.
6. KP Sivadasan,
Kuttikattu House,
Cherai.
7. KV Suku,
Karachithara House,
Elamkunnapuzha.
8. KG Antony,
Komaranchath House,
Vaduthala.
9. KK Balan,
Kollentaparambil House,
Ayyampilly.
10. NU Babu,
Nikathithara House,
Nayarambalam.
11. PK Krishnan,
Padavuthara House,
Ponnurunni, Vytila.

- Applicants



12. PK Anilkumar,
Punnakkattuthara,
Puthuvype.
13. KA Sadasivan,
SMP Colony,
Eroor South, Tripunithura.
14. PU Asokan,
Pazheyarikkapadath,
Maradu.
15. CV Venugopalan,
Chirattapurakkal House,
Edavanakkad. - Applicants

By Advocate Mr MC Cherian

Vs

1. Union of India represented by
Secretary,
Ministry of Defence,
New Delhi.
2. Flag Officer Commanding-in-Chief,
Southern Naval Command, Kochi.
3. The Chief Staff Officer
(Personnel & Administration),
Southern Naval Command,
Kochi. - Respondents

By Advocate Mr TPM Ibrahimkhan, Senior Central Government
Standing Counsel

OA-148/94

NK Gopi,
Nikathil House,
Nayarambalam. - Applicant

By Advocate Mr MC Cherian

Vs

1. Union of India represented by
Secretary,
Ministry of Defence,
New Delhi.
2. Flag Officer Commanding-in-Chief,
Southern Naval Command,
Kochi.
3. The Chief Staff Officer
(Personnel & Administration),
Southern Naval Command,
Kochi. - Respondents

By Advocate Mr PR Ramachandra Menon, Additional Central Government
Standing Counsel

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

The contentions in these applications are similar and so are the reliefs sought. They are therefore disposed of by a common order.

2. Applicants who are Casual Employees, seek:

"regular absorption as Group 'D' servants in preference to outsiders duly giving them weightage".

Ancillary reliefs have also been prayed for. The concept of preference over outsiders and concept of giving weightage to Casual Employees, are not rested on principle or precedent. For that matter several decisions of the Supreme Court including Dr Arundhati Ajit Pargaonkar V. State of Maharashtra & another, JT 1994(5) 378 have taken the view that service which is not regular will confer no benefit on an employee. The decisions in J&K Public Service Commission V. Dr Narinder Mohan and others, AIR 1994 SC 1808 and Ratam Chandra Sammanta & others V. Union of India & others, JT 1993(3) SC 418 and so on also support our view, that this is not a case for making a roving enquiry or evolving schemes.

3. A seniority list has been produced by respondents showing the placement of various casual employees. It is stated that regularisation will be granted subject to availability of posts, in the order reflected in the seniority list. Applicants have a contention that the order of seniority is overlooked. Such disputed questions of fact must properly be decided by other fora as indicated in RK Panda and others V. Steel Authority of India and others, (1994)5 SCC 304. With freedom to raise their claims with the appropriate authority/fora, we dismiss the applications. No costs.

Dated, the 4th April, 1995.

Sd/-

PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

Sd/-

CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

trs/54

CERTIFIED TRUE COPY

Date 7.4.95

Deputy Registrar



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7/4/95

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4/4/95