

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA No. 153 of 2005

Tuesday, this the 5th day of April, 2005

CORAM

**HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER**

1. K. Ernest Johnson, S/o K.O. Achanbava,
Sheet Metal Worker (SK),
Naval Ship Repair Yard, Naval Base, Cochin – 4
Residing at 'Kurupath House',
Thottakkattukara PO, Aluva.
2. C.N. Chandrababu, S/o C.K. Narayanan,
Sheet Metal Worker (SK),
Naval Ship Repair Yard, Naval Base, Cochin – 4
Residing at 'Chirakkal', Nayarambalam PO,
Vypeen, Cochin – 682 509
3. V.C. Chacko, S/o V.V. Chacko,
Sheet Metal Worker (SK),
Naval Ship Repair Yard, Naval Base, Cochin – 4
Residing at 'Vazhayil House', Kinginimattom PO,
Kolenchery, Ernakulam District.

Applicants

[By Advocate Shri Shafik M.A.]

Versus

1. Union of India represented by
Secretary to the Government of India,
Ministry of Defence, New Delhi.
2. The Flag Officer Commanding in Chief,
Southern Naval Command, Cochin.
3. The Commodore Superintendent,
Naval Ship Repair Yard,
Naval Base, Cochin – 4

.... Respondents

[By Advocate Shri P.J. Philip, ACGSC]

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The application having been heard on 5-4-2005, the Tribunal on the same day delivered the following:-

ORDER

HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

Applicants were selected as Sheet Metal Workers in 1987 and were sought to be terminated in August, 1991. By the intervention of the judgement of this Tribunal in OA.No. 1236/1991, the applicants' services were regularized with effect from 1-8-1990. They have made representations on 16-3-2004 requesting for ACP benefits, which were rejected by Annexures A1 to A3 orders dated 29-3-2004. Aggrieved by the said action of the respondents, the applicants have filed this Original Application seeking the following reliefs:-

- "(i) To call for the records relating to Annexures A-1 to A-5 and to quash A-1, A-2 & A-3 being illegal & arbitrary;*
- (ii) To declare that the applicants are entitled to the benefit of the ACP Scheme of the Government of India on the basis of the date of initial entry which is already regularized as per Annexure A-5;*
- (iii) To direct the respondents to reckon 12 years of service with effect from 1.8.1990 as stated in Annexure A-5, and to immediately fix the pay of the applicants accordingly and to disburse the arrears if any with 18% penal interest;*
- (iv) To pass any other orders which this Hon'ble Court may deem fit and proper in the circumstances of the case; and*
- (v) To award costs of this proceedings."*

2. Shri Shafik MA, learned counsel appeared for the applicants and Shri P.J. Philip, learned ACGSC appeared for the respondents.

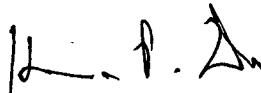
3. When the matter came up for hearing, learned counsel for the respondents submitted that he has filed a statement on behalf of the respondents not contesting the claim of the applicants. Paragraph 2 of the said statement is reproduced as under:-

"... It is submitted that in view of the orders passed in a large number of similar cases (O.A. 198/2004, 203/2004, 390/2004, 674/04) the respondents do not wish to contest the claim of applicants for financial upgradation under ACP scheme and hence the above O.A may be disposed of accordingly giving the respondents six months time for paying the monetary benefits, but without the liability to pay any interest thereon."

4. Since the respondents do not wish to contest the claim of the applicants, the prayer of the applicants is to be allowed except granting of interest and costs. Accordingly, impugned orders Annexures A1 to A3 are quashed and the respondents are directed to grant the benefits forthwith and in any case within three months from the date of receipt of a copy of this order.

5. The Original Application is disposed of as above at the admission stage itself. In the circumstances, there is no order as to costs.

Tuesday, this the 5th day of April, 2005



H.P. DAS
ADMINISTRATIVE MEMBER



K.V. SACHIDANANDAN
JUDICIAL MEMBER

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