

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.16/08

Wednesday this the 25th day of March 2009

C O R A M :

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

1. All India Naval Clerks Association
Door No.39.3293 C 2nd Floor,
K.S.N.Menon Road, Kochi – 16
represented by its General Secretary
K.S.Babu, working as Assistant, INS Garuda,
Naval Base, Kochi – 4.
2. T.P.Nandaraj,
Lower Division Clerk,
Naval Aeronautical Quality Assurance Service,
Naval Base, Kochi – 4.
3. Sujatha B.Cleatus,
Lower Division Clerk,
INS Venduruthy, Naval Base, Kochi – 4.Applicants

(By Advocate Mr.S.Radhakrishnan)

Versus

1. Union of India represented by the Secretary,
Ministry of Defence, New Delhi:
2. The Chief of the Naval Staff,
Integrated Headquarters of Ministry of Defence,
New Delhi – 110 011.
3. The Chief Staff Officer (P&A),
HQs Southern Naval Command,
Kochi – 682 004.Respondents

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

This application having been heard on 25th March 2009 the Tribunal
on the same day delivered the following :-



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ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The first applicant in this OA is All India Naval Clerks Association, Kochi and the other two are one Shri.T.P.Nandaraj, LDC working in the Naval Aeronautical Quality Assurance Service, Naval Base, Kochi and Sujatha B Cleatus, LDC, INS Venduruthy, Naval Base, Kochi. Their grievance is that the industrial employees in the Naval Ship Repair Yard, Kochi (NSRY for short) are being deployed to discharge the clerical duties. They have pointed out that since adequate number of clerical staff are not available to perform the quantum of work assigned to them, the respondents are getting that work done by deploying industrial staff and incur heavy amount on account of over time allowances. According to them, in 2003, for 27 industrial staff, Rs.6,79,313/- has been paid as over time allowances in addition to their own salary of Rs.20,96,217/-. The applicant's association has earlier made a representation pointing out the shortage of clerical staff and the deployment of industrial employees in their place affecting the promotional chances of the clerical staff. By the Annexure A-1 representation dated 8.8.2003, the Association has again requested the respondents to look into the matter and to revise the clerical complement for NSRY by surrendering the excess 27 industrial staff assigned for performing the clerical job for the last 11 years and by posting 20 additional clerical staff so that the Government can save approximately 13 lakhs per annum. They have also made similar representations on 20.4.2005. Vide



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Annexure A-4 letter dated 20.9.2005 the 2nd respondent informed the applicant association that they will take efforts to position clerical staff to the extent possible so as to relieve industrial employees from clerical duties subject to the following :-

(a) Review of NSRY by NSEC. Case already taken up with IHQ of MoD (Navy) in February 2005 for intimating the date of NSEC review.

(b) Re-appropriation of clerical staff at Command level after filling up of vacancies of clerks at various units by direct recruitment.

2. According to the counsel for the applicants, the respondents have not taken any action so far to hold a review as intimated to them by the aforesaid Annexure A-4 letter. The applicants have, therefore, sought a direction to the respondents to conduct NSEC review of clerical complements in different departments in Southern Naval Command as expeditiously as possible and also to direct the respondents to repatriate the industrial employees deployed at NSRY, Cochin discharging the administrative duties back to their workshops and to deploy sufficient number of clerical staff in the administrative section of NSRY.

3. The respondents in their reply statement has submitted that this O.A is not maintainable as the applicants are not anyway aggrieved by any particular order issued by the respondents. They have also submitted that the deployment of industrial employees to discharge the clerical duties at Naval Ship Repair Yard, Kochi does not affect the 2nd and 3rd applicants in



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any manner as they are working in different units ie., Naval Aeronautical Quality Assurance Service and INS Venduruthy respectively. Similarly, the 1st applicant Association has no locus standi to agitate the matter as the action of the respondents to deploy industrial employees in the administrative offices of Naval Ship Repair Yard is only a working arrangement in order to ensure smooth functioning of the organisation and the said working arrangement was resorted to in view of the shortage of clerical staff.

4. We have heard Shri.S.Radhakrishnan for the applicants and Smt.Jisha on behalf of Shri.T.P.M.Ibrahim Khan,SCGSC for the respondents. We agree with the preliminary submissions of the counsel for the respondents that the issue raised in this O.A is strictly not a service matter affecting the applicants. The deployment of staff for their optimum utilisation in performance of work is the prerogative of the department concerned. However, the fact is that the respondents themselves have realised that the deployment of industrial workers in place of clerical employees will not solve the problems in the long run. It is for the said purpose that they have decided to review the NSRY by NSEC. Even though the 2nd respondent has taken up the matter with the IHQ of MoD (Navy) in February 2005 for holding a NSEC review meeting as seen from Annexure A-4, no further action has been taken in the matter. We, therefore, dispose of this O.A with a direction to the respondents to consider this O.A itself as an additional representation and to take an

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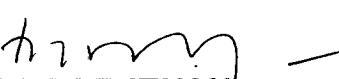
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appropriate decision in the matter and communicate the same to the Applicant Association. In the facts and circumstances of the case we do not consider ^{it} appropriate to fix any time frame for this purpose.

5. A copy of this order shall be communicated to the 1st respondent, namely, Union of India represented by the Secretary, Ministry of Defence, New Delhi, by the Registry of this Tribunal directly.

6. With the above directions this O.A is disposed of. There shall be no order as to costs.

(Dated this the 25th day of March 2009)


K.NOORJEHAN
ADMINISTRATIVE MEMBER

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GEORGE PARACKEN
JUDICIAL MEMBER