

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 186 of 2005

Monday, this the 13th day of June, 2005

CORAM

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

1. E.K. Rajan, S/o Karunakaran Nair,
Civil Motor Driver (OG), MT Office,
INS Venduruthy, Cochin – 4
Residing at 'Edapattu Mattathil House',
Velloorkunnam Market PO, Muvattupuzha,
Ernakulam District.
2. P.M. Joseph, S/o Mathai,
Civil Motor Driver (OG), MT Office,
INS Venduruthy, Cochin – 4
Residing at 'Panamthanath House',
Meekunnam PO, Muvattupuzha,
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 Commanding Officer, INS Venduruthy,
Southern Naval Command, Cochin – 4

Respondents

[By Advocate Shri Sunil Jose, ACGSC]

The application having been heard on 13-6-2005, the
Tribunal on the same day delivered the following:

ORDER

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN

The applicants are aggrieved by the Order No. 275/10/1(ACP) dated 1-3-2005
(Annexure A1) issued to the 1st applicant and Order No. 267/10/1 dated 13-4-2003

(Annexure A2) issued to the 2nd applicant on behalf the 3rd respondent, rejecting the claims, refusing to count their services from the initial date of entry into service, which is already reckoned as regular service, for the purpose of granting the benefits of placement in a higher grade as per the Assured Career Progression Scheme (Hereinafter referred to as ACP scheme) of the Government of India published vide OM No. 35034/1/97-Estt (D) dated 9-8-1999.

2. It is the case of the applicants that most of the employees working in this category are persons who have been recruited on casual basis and subsequently regularised on the basis of various judgements of this Tribunal. In fact, as per the judgement of this Tribunal in OA Nos. 434/89 and 609/89, all benefits of regular service except the seniority were granted to such employees. The services of the 1st applicant were regularised as per the Civilian Establishment List No.1/95 dated 4th August 1995 (Annexure A3) with effect from 1-12-1987 and the services of the 2nd applicant were regularised as per the Civilian Establishment List No.1/96 dated 29th January 1996 (Annexure A4) with effect from 2-5-1989. The applicants have already completed more than 12 years of service and are eligible for being granted the first upgradation under the ACP scheme dated 9-8-1999. However, the benefits of the scheme were not extended to the Lower Division Clerks by the respondents and some of the similarly placed employees have approached this Tribunal in OA No.755/2000, which was allowed. Similarly placed Assistant Storekeepers have approached this Tribunal in OA No.212/2002, which was also allowed. Thereafter, the benefits of the scheme have been extended to all other staff except to the applicants. The applicants have submitted their representations dated 16-4-2004 and 11-2-2005.

3. When the matter came up, learned counsel for respondents stated that they are not contesting the matter and hence they were directed to file a written statement. So, a written statement has now been filed on behalf of the respondents in which they have submitted that since the Tribunal had disposed of the earlier OA giving six months time to comply

with the order, the present OA may also be disposed of on the same lines granting six months time for paying the monetary benefits without the liability to pay any interest thereon.

4. In the light of the submissions made by the counsel for respondents and the entitlement of the applicants to the benefits under the scheme not being contested, respondents are directed to grant the benefits of the 1st ACP to the applicants from the date they became eligible taking into account their dates of regularisation as per Annexure A3 and A4 and issue orders thereon and to disburse the amounts to the applicants within a period of two months from the date of receipt of a copy of this order. The impugned orders Annexure A1 and A2 are thereby quashed. If the respondents failed to comply with the orders within the period fixed as ordered, the applicants will be entitled to penal interest @ 9% per annum from that date.

5. The Original Application is disposed of as above at the admission stage itself. No order as to costs.

Monday, this the 13th day of June, 2005



K.V. SACHIDANANDAN
JUDICIAL MEMBER

Ak/NRP



SATHI NAIR
VICE CHAIRMAN