

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 188/91  
XXX XXX XXXX

199

DATE OF DECISION 28-5-92

CR Gopalakrishnan & 5 others Applicant (s)

M/s Sukumaran & Usha Advocate for the Applicant (s)

Versus

Union of India, represented Respondent (s)

by Secretary to Govt. of India,  
MHA., New Delhi & another

Mr. NN Sugunapalan, SCGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. SP MUKERJI

VICE CHAIRMAN

The Hon'ble Mr. N DHARMADAN

JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

SHRI N DHARMADAN, JUDICIAL MEMBER

The applicants are N.M.R. labourers working under the 2nd respondent at Kavaratti. They are mainlanders and fully qualified for absorption in the regular post of Helper for lineman under the Recruitment Rules at Annexures F&G. They are aggrieved by the non-regularisation with effect from the dates of engagement.

2. The applicants have represented before the 2nd respondents for getting regularisation w.e.f. the original date of engagement. Annexures I & J are the representations filed

by the 3rd and 4th applicants. <sup>b</sup> The others have also filed similar representations but the respondents have not taken any steps for regularising the applicants in spite of the fact that the 2nd respondent had given regularisation to thirty others w.e.f. the respective dates of their original engagement as disclosed from Annexure H Proceedings, dated 7.6.88. There is no explanation why the applicants were excluded from Annexure H. Under these circumstances they have filed this application under Section 19 of the ATs Act, with the following reliefs.

- " a) to declare that the action of the respondents in not regularising the services of applicants 1 to 6 in the post of Helper for lineman with effect from the date of their appointment in the respective post as arbitrary, discriminatory and violative of their fundamental right under Article 14 and 16 of the Constitution;
- b) to direct the respondents to regularise the services of the applicants in the post of Helper for lineman with effect from the date of their appointment in the post;
- c) to direct the respondents to consider the applicants for promotion to the next higher category as if they have been regularised in the post of Helper for lineman with effect from the date of their appointment in the post;
- d) to quash Annexure-R1 produced along with the reply affidavit in the original application dated 3.7.1975 as invalid since the same is

passed in violation of Annexure-F & G Recruitment Rules and also in violation of applicants fundamental right under Article 14 and 16 of the Constitution."

3. When the case came up for final hearing today the learned counsel appearing on both sides submitted that this case is ~~covered~~<sup>contrd</sup> by the earlier judgment of this Tribunal in OA-629/91 and OA-1114/90 and this case can be disposed of following the judgments in those cases.

4. Accordingly, we have perused the judgments and we are satisfied that this case ~~also~~<sup>is</sup> can be disposed of following the judgments in the cases referred to above. In the result we follow the judgment of this Tribunal in OA-629/91 and 1114/90 and allow this application, with the directions to the respondents to regularise the applicant in the regular post of Group 'D' (Class-IV), if they are otherwise eligible under law and include their names in Annexure ~~4~~<sup>4</sup> giving appropriate places with reference to their original date of joining ~~in~~<sup>in</sup> service under the 2nd respondent. This shall be done within a period of 3 months from the date of receipt of the copy of the judgment. Regarding the claim of

the applicants to get revised wages we leave it open so that the applicants may seek their relief separately.

5. DA is allowed to the extent indicated above.

There will be no order as to costs.

*N. Dharmadan*  
(N DHARMADAN)  
JUDICIAL MEMBER

*28.5.92*

*S. Mukerji*  
(SP MUKERJI)  
VICE CHAIRMAN

*28.5.92*