

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 192 of 2010

Thursday, this the 10th day of March, 2010

CORAM:

Hon'ble Mr. Justice K. Thankappan, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

P.L. Padmadas, Aged 44 years, S/o. late
 Lakshmanan, Store Keeper, Material Organisation,
 Naval Base, Kochi-4, Residing at Manappurath
 Veedu, Edakochi, Kochi-6.

Applicant

(By Advocate – Mr. T.A. Rajan)

V e r s u s

1. Union of India, represented by Secretary, Government of India, Ministry of Defence, New Delhi.
2. The Flag Officer Commanding-in-Chief, Headquarters, Southern Naval Command, Naval Base, Kochi-4.
3. The Chief Staff Officer (P&A), Headquarters, Southern Naval Command, Naval Base, Kochi-4.

Respondents

(By Advocate – Mr. Sunil Jacob Jose, SCGSC)

This application having been heard on 10.3.2010, the Tribunal on the same day delivered the following:

O R D E R

By Hon'ble Mr. Justice K. Thankappan, Judicial Member -

The short question involved in this Original Application is that whether the applicant is entitled for the second ACP and whether he is entitled to count the entire period for allowing ACP with effect from his casual service onwards.

BB

2. The case of the applicant is that in the case of similarly situated persons the ACP benefits were allowed counting their casual service also which was subsequently regularized and not with effect from the date of absorption and this point was also covered by the order of this Tribunal in OAs Nos. 1018 of 2000 and 932 of 2003. The applicant has also filed Annexure A-2 representation before the Flag Officer Commanding-in-Chief, Southern Naval Command i.e. the 2nd respondent, who is the competent authority to consider the matter.

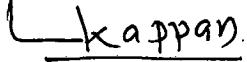
3. On hearing the counsel for the applicant Mr. T.A. Rajan and counsel for the respondents Mr. Sunil Jacob Jose, SCGSC and perusing the averments made in the Original Application and also the orders passed by this Tribunal, we are of the view that since the applicant is entitled for the ACP benefits counting his casual service also w.e.f. 1.6.1984, which was subsequently regularized as it is covered by the order of this Tribunal, it is only proper for this Tribunal to direct the second respondent to dispose of Annexure A-2 representation within a reasonable time.

4. Accordingly, the OA is allowed at the admission stage itself and the second respondent is directed to consider Annexure A-2 representation and pass appropriate orders thereon within 45 days from the receipt of a copy of this order. Ordered accordingly. A copy of this order and a copy of the Original Application shall be made available to the second respondent by



the applicant himself for compliance. There shall be no order as to costs.


(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER


(JUSTICE K. THANKAPPAN)
JUDICIAL MEMBER

“SA”