

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.198/04

Tuesday this the 16th day of March 2004

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

1. V.P.Rajasekaran Pillai,  
Peon, Head Quarters  
Southern Naval Command,  
Kochi.
2. R.Gowri,  
Safaiwala,  
INS Garuda, Kochi.
3. M.K.Lekshmi,  
Safaiwala,  
INS Garuda, Kochi.
4. P.Leelamani,  
Safaiwala,  
INS Garuda, Kochi.
5. U.G.Sobhana,  
Safaiwala,  
INS Garuda, Kochi.
6. P.V.Shantha,  
Safaiwala,  
INS Garuda, Kochi.
7. C.K.Ammuni,  
Safaiwala,  
INS Vendrauthy, Kochi.
8. K.M.Sarojini,  
Safaiwala,  
N.S.R.Y., Naval Base,  
Kochi.
9. Accumma U.J.  
Safaiwala,  
INS Vendrauthy,  
Kochi.
10. M.C.Kanakam,  
Safaiwala,  
INS Vendrauthy,  
Naval Base, Kochi-4.
11. A.V.Shyla Kumari,  
Peon, INS Garuda,  
Kochi.

12. C.S.Remani,  
Safaiwala,  
INS Vendrauthy,  
Naval Base, Kochi-4.
  13. P.V.Chinnamma,  
Safaiwala,  
INS Vendrauthy,  
Naval Base, Kochi-4.
  14. M.O.Rosily,  
Safaiwala,  
INS Vendrauthy,  
Naval Base, Kochi-4.
  15. Bhavani P.P.,  
Safaiwala,  
INS Sanjevani, Kochi.
  16. N.N.Santha,  
Safaiwala,  
INS Garuda, Kochi.
  17. A.Kunhimalu,  
Safaiwala,  
INS Garuda, Kochi.
  18. K.K.Ambika,  
Safaiwala,  
INS Garuda, Kochi.
  19. M.N.Leela,  
Safaiwala,  
INS Garuda, Kochi.
  20. V.T.Kumaran,  
Mali, INS Garuda, Kochi.
  21. N.V.Gopalan,  
Safaiwala,  
INS Garuda, Kochi.
  22. K.Vasu,  
Safaiwala,  
INS Garuda, Kochi.
  23. Parvathi E.K.  
Safaiwala,  
INS Vendrauthy,  
Naval Base, Kochi-4.
  24. K.P.Jalaja,  
Safaiwala,  
Boatswain Store,  
INS Vendrauthy,  
Naval Base, Kochi-4.
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25. P.Sathiamma,  
Safaiwala,  
INS Vendrauthy,  
Naval Base, Kochi-4.

26. P.P.Mariakutty,  
Peon, Base Victualling Yard,  
INS Vendrauthy, Naval Base, Kochi-4.

Applicants

(By Advocate Mr.Johnson Gomez)

Versus

1. Union of India represented by  
the Secretary to the Government,  
Ministry of Defence, New Delhi.

2. The Chief of Naval Staff,  
Naval Headquarters, New Delhi.

3. The Flag Officer Commanding in Chief,  
Headquarters, Southern Naval Command,  
Kochi.

4. The Chief Staff Officer,  
Headquarters, Southern Naval Command,  
Kochi.

Respondents

(By Advocate Mr.C.Rajendran, SCGSC)

This application having been heard on 16th March 2004 the Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

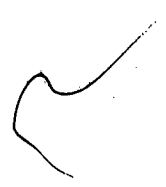
The applicants 26 in number, all Group D employees, under the Southern Naval Command, were initially engaged on casual basis continued with intermittent breaks and were eventually regularised in service. Subsequently their services from the dates of initial engagements condoning the artificial breaks were regularised. Their present grievance is that their claim for grant of benefits under the Assured Career Progression Scheme (ACPS in short) reckoning their services from the initial dates of their engagements which have been regularised subsequently has been turned down, although such benefits have been granted to persons similarly situated, on the ground that the applicants were not parties to the order of the Tribunal in which such

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benefits were given. Their claims were rejected by Annexure A-2 order dated 27.2.2004, therefore, the applicants have filed these applications jointly for a declaration that they are entitled to have the benefits of financial upgradation under the ACP Scheme reckoning their services from the initial dates of their engagements and for a direction to the respondents to give them the consequential benefits.

2. When the application came up for hearing Shri.C.Rajendran,SCGSC took notice on behalf of the respondents. He stated that in view of a number of cases in which the claim of similarly situated persons have been considered by the respondents, the respondents did not wish to contest the application and therefore the application may be allowed giving the respondents six months time to make available to the applicants the monetary benefits flowing therefrom. The learned counsel of the applicants also stated that the application may be disposed of accordingly.

3. In the light of the above submissions made by the counsel on either side and in the interests of justice the application is disposed of setting aside Annexure A-2, declaring that the applicants are entitled to the benefits of financial upgradation under the ACP Scheme reckoning their services from the initial dates of their engagements which have been subsequently regularised and directing the respondents to grant financial upgradation reckoning their entire service from the initial dates of their engagements which have been subsequently regularised and to make available to them the financial benefits flowing therefrom within a period of six months from the date of receipt



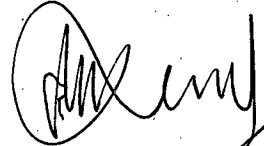
of a copy of this order. We make it clear that the respondents would not be liable to pay any interest till that date. No order as to costs.

(Dated the 16th day of March 2004)

H. P. Das

H.P.DAS  
ADMINISTRATIVE MEMBER

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A.V.HARIDASAN  
VICE CHAIRMAN