

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.Ammmini,
Safaiwala,
INS Vendruthy, Kochi.
8. K.M.Sarojini,
Safaiwala,
N.S.R.Y., Naval Base,
Kochi.
9. Accumma U.J.
Safaiwala,
INS Vendruthy,
Kochi.
10. M.C.Kanakam,
Safaiwala,
INS Vendruthy,
Naval Base, Kochi-4.
11. A.V.Shyla Kumari,
Peon, INS Garuda,
Kochi.

12. C.S.Remani,
Safaiwala,
INS Vendruthy,
Naval Base, Kochi-4.
13. P.V.Chinnamma,
Safaiwala,
INS Vendruthy,
Naval Base, Kochi-4.
14. M.O.Rosily,
Safaiwala,
INS Vendruthy,
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 Vendruthy,
Naval Base, Kochi-4.
24. K.P.Jalaja,
Safaiwala,
Boatswain Store,
INS Vendruthy,
Naval Base, Kochi-4.

25. P. Sathiamma,
Safaiwala,
INS Vendruthy,
Naval Base, Kochi-4.

26. P.P. Mariakutty,
Peon, Base Victualling Yard,
INS Vendruthy, 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

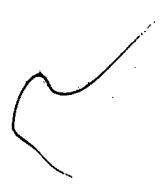
The applicants 26 in number, all Group D employees, under
the Southern Naval Command, were initially engaged on casual
basis continued with intermittent breaks and were eventually
regularised in service. Subsequently their services from the
dates of initial engagements condoning the artificial breaks 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

ADMINISTRATIVE MEMBER

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A. V. HARIDASAN
VICE CHAIRMAN