

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.203/04

Dated Tuesday this the 13th day of April, 2004.

C O R A M

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

1. K.P.Madhavan
S/o Late Ponnu
Civilian Motor Driver (Grade-II)
Material Organisation (K)
Naval Base, Kochi.
2. P.J.David
S/o Late D.Joseph
Civilian Motor Driver (Grade-II)
Material Organisation (K)
Naval Base, Kochi.
3. M.Basheer
S/o Shahul Hameed Rawther
Civilian Motor Driver (Grade-II)
Material Organisation (K)
Naval Base, Kochi.
4. K.Babu
S/o Late Kunjukrishnan
Civilian Motor Driver (Grade-II)
M.T.Pool, INS Garuda
Naval Base, Kochi.
5. P.M.Sukumaran
S/o Late Madhavan
Civilian Motor Driver (Grade-II)
M.T.Pool, INS Garuda
Naval Base, Kochi.
6. George Joseph
S/o Shri Joseph
Civilian Motor Driver (Grade-II)
M.T.Pool, INS Garuda
Naval Base, Kochi.
7. M.M.Varghese
S/o Shri Markose
Civil Motor Driver (Grade-II)
INS Garuda, Naval Base, Kochi.
8. K.U.Kurian
S/o Late Ulahannan
Civilian Motor Driver (Grade-II)
M.T.Pool, INS Garuda
Naval Base, Kochi.
9. T.K.Chandran
S/o Late Kumaran
Civilian Motor Driver (Grade-II)
C.T.W. Naval Base
Kochi.

10. D.Vijayakumar
S/o Late S.Damodaran Pillai
Civilian Motor Driver (Grade-II)
I.N.S.Venduruthy, Naval Base
Kochi.
11. V.Viswankutty
S/o K.K.Vava
Civilian Motor Driver (Grade-II)
INS Venduruthy, Naval Base
Kochi.
12. V.M.V.Mathachan
S/o Late Varkey Varghese
Civilian Motor Driver (Grade-II)
I.N.S.Venduruthy, Naval Base
Kochi.

Applicants.

(By advocate Mr.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.

Respondents

(By advocate Mr.C.Rajendran, SCGSC)

The application having been heard on 13th April, 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 are Civilian Motor Drivers (Grade-II) who commenced service as Casual Drivers during 1987-89 but absorbed in regular service during 1991-1993. But later pursuant to the orders of this Tribunal in OA Nos.434/89 and 609/89 their services were regularised with effect from the date of their initial engagement. They are now aggrieved by the rejection of their claim for the benefit of financial upgradation under the Assured Career Progression Scheme (ACP Scheme) reckoning their services from the initial date of joining, by A1 to A9 orders. Finding that persons similarly situated had been granted the benefit pursuant to the orders of the Tribunal in OA No.497/03, the applicants submitted representations seeking the benefit.

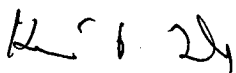


Their claim was rejected, inter-alia, on the ground that the applicants were not parties to the said application. The applicants, therefore, seek to set aside the impugned orders A-1 to A-9, a declaration that the applicants are entitled to the benefit of the ACP Scheme counting their service from the inception and a direction to the respondents to immediately fix the pay of the applicants accordingly and to disburse the arrears if any with 18% penal interest.

2. When the application came up for hearing, Sri C.Rajendran, learned SCGSC, submitted that in view of the orders passed in a large number of cases, on concession, the respondents do not wish to contest the claim of the applicants for the financial upgradation and the claim may be allowed but without any interest and giving the respondents six months' time for disbursing the arrears.

3. In the light of the above submissions made by the learned counsel on either side, the application is allowed in part. Impugned orders A-1 to A-9 are set aside and we declare that the applicants are entitled to have their casual services later regularised as regular for the purpose of the benefit under the ACP Scheme. We direct the respondents to fix their pay and to make available to them the monetary benefits flowing therefrom within a period of six months, without the liability to pay any interest thereon. No order as to costs.

Dated 13th April, . 2004.



H.P.DAS
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN

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