

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**O.A. NO. 760 OF 2010 , O.A. NO. 761 OF 2010,
O.A. NO. 29 OF 2011 & O.A. NO. 754 OF 2011**

Tuesday, this the 25th day of October, 2011

CORAM:

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

1. O.A. NO. 760 OF 2010

Jayalal P Kartha
residing permanently at
Punnoppillil House,
Mudavoor P.O.,
Muvattupuzha, Ernakulam-686669

... Applicant

(By Advocate Mr.M.R.Hariraj)

Versus

1. Union of India, represented by the
Secretary to Government of India,
Ministry of Defence, New Delhi.
2. Flag Officer, Commanding-in-Chief,
Southern Naval Command,
Kochi-682004

... Respondents

(By Advocate Mr.Sunil Jacob Jose, SCGSC)

2. O.A. NO. 761 OF 2010

Anil A
residing permanently at
Nedumkombil, Kalavoor P.O.,
Alapuzha-688 522

... Applicant

(By Advocate Mr.M.R.Hariraj)

versus

1. Union of India, represented by the
Secretary to Government of India,
Ministry of Defence, New Delhi.
2. Flag Officer, Commanding-in-Chief,
Southern Naval Command,
Kochi-682004

... Respondents

(By Advocate Mr.Sunil Jacob Jose, SCGSC)

3. O.A. NO. 29 OF 2011

Sunitha Varghese
residing at Kottackal House,
Koonamavu P.O.,
Ernakulam District- 683 518

... Applicant

(By Advocate Mr.M.R.Hariraj)

Versus

1. Union of India, represented by the
Secretary to Government of India,
Ministry of Defence, New Delhi.
2. Flag Officer, Commanding-in-Chief,
Southern Naval Command,
Kochi-682004

... Respondents

(By Advocate Mr.Sunil Jacob Jose, SCGSC)

4. O.A. NO. 754 OF 2011

Rakesh Babu
Ex-Naval Apprentice,
Residing at Pallikkaparambil House,
Kumbalangi.P.O., Kochi- 682 007

Applicant

(By Advocate Mr.M.R.Hariraj)

Versus

1. Union of India, represented by the
Secretary to Government of India,
Ministry of Defence, New Delhi.
2. Flag Officer, Commanding-in-Chief,
Southern Naval Command,
Kochi-682004
3. The Chief Staff Officer(P&A),
Headquarters, Southern Naval Command,
Kochi-682 004

... Respondents

(By Advocate Mr.Sunil Jacob Jose, SCGSC)

The applications having been heard on 25.10.2011, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

In these group of cases, common issue arises for consideration and hence disposed of by a common order.

2. The applicants are Ex-Naval Apprentices who underwent apprentice training in the trade of machinist in different years. As per recruitment rules produced as Annexure A-2 in O.A 760/2010, 60% of the posts are to be filled up by absorption of Ex-Naval Apprentices. The 2nd respondent has appointed senior most Ex- Apprentices against 60% vacancies of Tradesman (Skilled) without applying the age restriction. The case of the applicants is that despite vacancies to be filled up in the Navy, they are not adhering strictly to the Recruitment Rules providing for 60% vacancies to be appointed from Ex-Naval Apprentices. The relief sought for in the OA is to direct the respondents to consider the applicants for absorption as Machinist in the cadre of Tradesman (Skilled) based on seniority as Ex-Naval Apprentice with effect from the date of occurrence of the vacancy of Machinist in the category of Tradesman (Skilled) with all consequential benefits.

3. In OA 754/11 as against the representation made, it is intimated by the authorities that the absorption of Ex-Naval Apprentice in the post of Tradesman (Skilled) is pending as the issue regarding age limit for absorption is under examination at Integrated Headquarters, New Delhi. Thus in all these cases, the relief that is sought is to consider the case of Ex-Naval Apprentice in the appropriate posts after giving necessary age relaxation. The matter is no longer res integra between the parties. We have ourselves passed similar order dated 05.07.2011 in OA 329/11, a copy of which is produced as Annexure A-4 along with OA 754/2011. Similar orders have also been passed in OA 94/2003 & OA 653/2003 annexed as Annexure A-6 produced along with the said OA.

4. In the light of this discussion rendered by this Tribunal, we direct the 2nd respondent to consider the case of applicants for absorption as Tradesman (Skilled) in the respective discipline as per their turn in the panel without reference to upper age limit prescribed for direct recruits as was done in the case of applicants in Annexure A-6 and A-8 judgments as also in Annexure A-4 judgment.

5. It is contented that though some of the orders have been implemented giving benefit to the applicants, still there are applicants who have not been considered for absorption despite orders being passed which has become final. It is not proper for the authority not to give effect the benefit uniformly in all cases. If it is not brought to the notice of the higher authorities, respondents herein may forward a copy of this order to the higher authorities for their information and early compliance.

6. OAs are **allowed** as above. No costs.

Dated, the 25th October, 2011.


K GEORGE JOSEPH
ADMINISTRATIVE MEMBER


JUSTICE P.R. RAMAN
JUDICIAL MEMBER

VS