

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.29/2008

Friday this the 14 th day of November 2008

CORAM:

HON'BLE MR.JUSTICE M.RAMACHANDRAN, VICE CHAIRMAN
HON'BLE DR.K.S.SUGATHAN, ADMINISTRATIVE MEMBER

K.S.Sherin, Driver, SBF,
INS Venduruthy, Naval Base, Kochi-4
(residing at Kochikattu House, Valiyathara Narayan Road, Kannankattuparambu,
Palluruthy P.O.),
Applicant

(By Advocate Shri M.R.Sudheendran)

Vs.

1. The Flag Officer Commanding-in-Chief,
Naval Base, Southern Head Quarters,
Wellington Island, Kochi.
 2. The Commanding Officer,
INS Venduruthy,
Naval Base, Cochiin -4.
 3. Union of India, represented by
the Secretary,
Ministry of Defence,
New Delhi.
- Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

The application having been heard on 14.11.2008,
the Tribunal on the same day delivered the following.

ORDER

HON'BLE MR.JUSTICE M.RAMACHANDRAN, VICE CHAIRMAN

The applicant is working as Driver and he contends that he is a civilian, employed in INS, Venduruthy (SBF). His claim is for annual increments, Contributory Provident Fund, Bonus and Over Time Allowances. His submissions in the O.A. shows that he had been engaged initially from 6.10.1995, having been appointed by Annexure A-1. Only later certain regulations had been brought

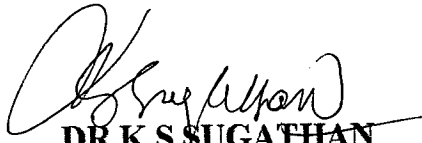



"prescribing conditions of service", and in due course, admittedly, the benefit of increments had been made available to him, and as could be gathered from Annexure R-2(C), the benefits such as Provident Fund and Annual increments also been extended to him from the date of Annexure A-2. Counsel submits that, the claims in respect of Over Time Allowance and Bonus remain to be adjudicated upon.

2. However, relying on the decision of this Tribunal in O.A. 289/97 which had been confirmed by the judgement of the Hon'ble High Court in O.P.No. 15225/97, the learned counsel for the respondents submits that the application is not maintainable. This is because, evidently from the appointment order as well as the scheme, it could be gathered that the employer in relation to the applicant is not the Government of India. The class of employees, represented by the applicants in O.A. 289/97, as well as the applicant herein, have been described as persons employed through non-public funds. This was the reason for the Tribunal to hold earlier that the application was not maintainable. When the same objection is raised, we are required to follow the reasoning as well as the order, as there is no jurisdiction vested in the Administrative Tribunal to look into the matter on merits. We of course, note that, part of the claims had been upheld by the respondents themselves and they have come up with reasons why the claims pertaining to Bonus and OTA are not admissible. Accepting these facts, we are however not going to the merits of the contents for the reasons aforementioned.

3. The application is dismissed. There is no order as to costs.

Dated the 14 th November, 2008.


DR.K.S.SUGATHAN
ADMINISTRATIVE MEMBER


M.RAMACHANDRAN
VICE CHAIRMAN