

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 312 of 1996

Tuesday, this the 25th day of November, 1997

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER  
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

1. Scaria P. Korah,  
S/o Late P.K. Korah,  
Puthenparambil House,  
Puthupally PO, Kottayam.
2. V.U. Joseph,  
S/o Ulahannan,  
Valloparambil House, Kottappady PO,  
Kothamangalam, Ernakulam District.
3. Cherian Abraham,  
S/o Late K.V. Abraham,  
Kattuparambil House,  
Valanjavattom PO, Thiruvalla-4
4. Babu, P, S/o V. Prabhakaran Nair,  
Kalamakudy House, Pulluvazhi PO,  
Keezhillam (via), Perumbavoor.
5. Benny Oommen,  
Bethel House,  
Bank Road, Kayamkulam  
690 502 .. Applicants

Versus

1. Union of India rep. by Secretary,  
Ministry of Defence, New Delhi.
2. The Chief of Naval Staff,  
New Delhi.
3. The Flag Officer Commanding in Chief,  
Southern Naval Command, Kochi-4 .. Respondents


By Advocate Mr. PR Ramachandra Menon, ACGSC

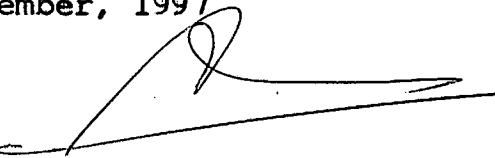
O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

Neither the Counsel for the applicants, nor the  
applicants present. The application is dismissed  
for default. No costs.

Dated the 25th of November, 1997

  
S.K. GHOSAL  
ADMINISTRATIVE MEMBER

  
A.M. SIVADAS  
JUDICIAL MEMBER

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 312 of 1996

Thursday, this the 22nd day of January, 1998

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HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

1. Scaria P. Korah,  
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Bethel House,  
Bank Road, Kayamkulam - 690502 .. Applicants

By Advocate Mr. A.X. Varghese

Versus

1. Union of India represented by  
Secretary, Ministry of Defence,  
New Delhi.
2. The Chief of Naval Staff,  
New Delhi.
3. The Flag Officer Commanding in Chief,  
Southern Naval Command,  
Kochi-4 .. Respondents

By Advocate Mr. P.R. Ramachandra Menon, ACGSC

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

Applicants seek to declare that denial of employment  
and regularisation to them as illegal, to quash A-12, to

Contd..2

direct the respondents to reinstate them in service and to regularise them with effect from the date of their initial appointment and also to post them at Naval Ship Repairing Yard (NSRY), Cochin according to their seniority, and further to declare that they are entitled to be appointed on a permanent basis as per A-7.

2. When the O.A. was taken up for hearing, it is submitted by the learned counsel for both sides that this Bench of the Tribunal in an identical matter, i.e., O.A. No. 1358/95, has permitted the applicants therein to submit representation to the 2nd respondent therein, who is the 3rd respondent herein, putting forward their contentions regarding the availability of vacancies and directed the said respondent to consider it as sympathetically as possible and dispose it of within three months from the date of receipt of the representation and also if it is found that vacancies are available against which the applicants can be regularised in terms of A-2 therein which is A-7 herein, the 3rd respondent therein shall also pass appropriate orders in that regard and this O.A. may be disposed of on the same lines.

3. On the basis of the submission made by the counsel for both sides, the applicants are permitted to submit a representation to the 3rd respondent to put forward their contentions regarding the availability of vacancies within three weeks from today. If such a representation is submitted, the 3rd respondent shall consider it as sympathetically as possible with reference to the official records and pass a speaking order within three months from the date of its receipt. If as a result of such examination it is found that vacancies are available against which the applicants can be regularised in terms of the Supreme Court decision in A-7, the 3rd respondent shall also pass appropriate orders in that regard.

4. The application is disposed of as above. No costs.

Dated the 22nd of January, 1998.

  
S.K. GHOSAL  
ADMINISTRATIVE MEMBER

  
A.M. SIVADAS  
JUDICIAL MEMBER

LIST OF ANNEXURES

1. Annexure A2: Order of appointment dated 22.12.1987 issued by the 3rd respondent to the 2nd applicant, letter No.CS 4216/44.
2. Annexure A7: Judgement of Hon'ble Supreme Court dated 8.3.1994 in Civil Appeal No.252/94 in C.A. Nos.3252 to 3254 & 1509/93.
3. Annexure A12: Communication sent by the 3rd respondent to the 4th applicant dated 6.10.1995, Quoting No.CS 2695/43/592.

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