

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.314/1999

Wednesday this the 17th day of March, 1999

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

- (1) K.A. Harilal, S/o.K.N.Appu, aged 35 years, SA II, Office of the Chief Engineer (Navy), Kochi. (Padmavihar, Kanjiramattom Post, Ernakulam Dt., Pin:-682 315.)
- (2) M.A. Geetheswari, D/o.M.K.Appu, aged 35 years, SAI, Office of the Chief Engineer (Navy), Kochi. (Illical House, Kanjiramattom Post, Ernakulam Dt., Pin:-682 315)
- (3) C.Venugopalan, S/o. Late. Sri.V.K.K.Kurup, aged 33 years, Lower Division Clerk, Office of the Chief Engineer (Navy), Kochi. (Thekkayil House, Iringannur Post, Vatakara, Kozhikode Dt., Pin:-673 514.)
- (4) Sunil Kumar K., S/o. Late. Krishna Prasad, aged 25 years, Lower Division Clerk, Office of the Chief Engineer (Navy), Kochi. (Muttathethu House, Vettuveni, Haripad Post, Alleppey Dt.)
- (5) D.Atman. S/o. Sri.Damodaran, aged 58 years, Peon, Office of the Chief Engineer (Navy), Kochi (Puthupuracal House, Kadambanad Post, Adoor.)
- (6) Balakrishnan.C., S/o. Sri.C.C.Narayanan, aged 55 years, Upper Division Clerk, Office of the Chief Engineer (Navy), Kochi. (Chammoth House, Thiruvazhiyode, Palakkad Dt.)
- (7) P.G.Susheelan, S/o. Sri.Gopalan, aged 44 years, Peon, Office of the Chief Engineer (Navy), Kochi. (Puthenveettil, Edakochi Post, Ernakulam Dt.)
- (8) K.V.Prasanna, D/o. Sri.K.K.Vasu, aged 40 years, SA I, Office of the Chief Engineer (Navy), Kochi.(Oliparambil House, Pachalam Post, Ernakulam Dt.)
- (9) Lucy Jacob, D/o. P.F.Antony, aged 41 years, Lower Division Clerk, Office of the Chief Engineer (Navy), Kochi. (Nedumparambil House, Kundannoor, Maradu Post, Ernakulam Dt.)
- (10) K.J.Varghese, S/o. Late. K.C. Joseph, aged 57 years, Upper Division Clerk, Office of the Chief Engineer (Navy), Kochi. (Kunnam Kuzhiyil Thundiyl House, Edappavoor Post, Kottathoor, Pathanamthitta Dt.)
- (11) C.S.Prabhulla Chandran, S/o. Late. Sri.K.S. Menon, aged 38 years, Lower Division Clerk, Office of the Chief Engineer (Navy), Kochi. (Kunnath House, Pullut Post, Trichur - 680 663.)

- (12) M.Gopalan, S/o. Late. Sri.K.Kannan, aged 55 years, Record Keeper, Office of the Chief Engineer (Navy), Kochi. (Qr.No. T/35/46, Hostle Camp, Kochi - 682 004.)
- (13) Vally Chandran, D/o. Late. Sri.P.K.Kumar, aged 46 years, Safaiwala, Office of the Chief Engineer (Navy), Kochi. (Punnakkathara House, Kochukadavanthra, Kochi.)
- (14) K.Ammuni, D/o. Sri.K.Koran, aged 46 years, Safaiwala, Office of the Chief Engineer (Navy), Kochi. (Mankudiveedu, Perumbavoor, Ernakulam.)
- (15) Chellamma, D/o. Late Sri.Kuttan, aged 42 years, Safaiwala, Office of the Chief Engineer (Navy), Kochi. (Puthuveli Paramba, Cherai, Ernakulam.)
- (16) C.R.P.Nair, S/o. Late.Sri.Raman Nair, aged 52 years, Upper Division Clerk, Office of the Chief Engineer (Navy), Kochi. (Kamalalayam, Mantakala, Adoor.)
- (17) Nicy Peter, D/o. Late.Sri.V.I. Peter, aged 28 years, Lower Division clerk, Office of the Chief Engineer (Navy), Kochi. (Kottackal House, Valluvally, Koonammavu Post, Ernakulam - 683 518.)
- (18) Gigi Amalraj, D/o. P.K.Narayanan, aged 30 years, Lower Division Clerk, Office of the Chief Engineer (Navy), Kochi. (Rammohan Building, CMC IX, Cherthala Post, Alleppey.)
- (19) Sadananda Panicker, S/o. Late. Sri.Kesavan, aged 55 years, Upper Division Clerk, Office of the Chief Engineer (Navy), Kochi. (Sreevilasam, Mezhuveli - 689 507.)
- (20) Valsa Thomas, D/o. Late.Sri.Varghese, aged 33 years, Lower Division Clerk, Office of the Chief Engineer (Navy), Kochi. (Kaitharam House, Kallar, Nedumkandam, Idukki.)
- (21) M.S.Thankamani, D/o. M.K.Sidhan, aged 38 years, Lower Division Clerk, Office of the Chief Engineer (Navy), Kochi. (Varambath House, Parry Junction, Kochi- 682 005.)
- (22) G.Chacko, S/o. P.C.George, aged 56 years, Office Superintendent, Office of the Chief Engineer (Navy), Kochi. (Quarters No. 51/2, MES Quarters, Kataribagh, Naval Base, Kochi - 4.)
- (23) K.V. Menon, S/o. M.Bhaskara Menon, aged 57 years, Upper Division Clerk, Office of the Chief Engineer (Navy), Kochi. (Quarters No. 52/2, Kataribagh, Naval Base, Kochi - 682 004.)
- (24) K.A.Lissy, D/o. Alias, aged 34 years, Superintendent B/R II, Office of the Chief Engineer (Navy), Kochi. (Vettullil House, Palace Garden, Karingachira, Ernakulam District.)

- (25) T.S.Gopinathan, S/o. Late.Sri.Sankarankutty, aged 56 years, Superintendent B/R II, Office of the Chief Engineer (Navy), Kochi. (Thiriyat House, Edassery Post, Talikulam, Trissur District - 680 569.)
- (26) P.Padmavathy, D/o. A.Krishnan Nair, aged 49 years, Upper Division Clerk, Office of the Chief Engineer (Navy), Kochi. (Krishna Vihar, Paliakara, Chittiserry Post, Pudukad via, Trichur District.)
- (27) P.Santhamma, D/o. Late.A.Sivaraman, aged 56 years, Lower Division Clerk, Office of the Chief Engineer (Navy), Kochi. (Santhosh Bhavan, Near Govt. U.P.School, Padamugal, Kakkanad, Kochi - 30.)
- (28) S.Sudharma, D/o.K.Achuthan, aged 40 years, D' Man I, Office of the Chief Engineer (Navy), Kochi. (Mythri, Changampuzha Cross Road, Edappally P.O., Kochi -24.)
- (29) Karuna R. Prabhu, D/o. Late.N.Gopinatha Prabhu, aged 40 years, D' Man I, Office of the Chief Engineer (Navy), Kochi. (Rupanjali, Satelite Township, Padamugal, Kakkanad, Kochi - 30.)
- (30) Lali N.Joy, D/o.Sri.C.L.Pathrose, aged 41 years, D' Man I, Office of the Chief Engineer (Navy), Kochi. ('N' Joy Villa, Kottamkavu, Vennala, Kochi - 28.)
- (31) K.K.Mukundan, S/o. Late.K.A.Kumaran, aged 54 years, D' Man II, Office of the Chief Engineer (Navy), Kochi. (Kattuparambil House, Kamdamkulam Post, Kodungallur, Trichur.)
- (32) C.D.Johnson, S/o. Late.C.L.Devassy, D' Man II, Office of the Chief Engineer (Navy), Kochi. (Chettakkal House, Mettoor Post, Chalakkudy, Trichur.)
- (33) Savithri Ravindran, D/o. Sri.Sankara Pillai, aged 41 years, D' Man II, Office of the Chief Engineer (Navy), Kochi. (Vandana, Indiranagar, Kadavanthra, Kochi - 20.)
- (34) Kurian Sebastian, S/o.Sebastian, aged 37 years, D' Man I, Office of the Chief Engineer (Navy), Kochi. (Moolan House, Kokkunnu, Mookkannoor Post, Ernakulam - 683 577.)
- (35) E.I.Raghavan, S/o. Late. A.V.Irooran, aged 55 years, Sr. D' Man, Office of the Chief Engineer (Navy), Kochi. (Ezhikkode House, Kattakampal Post, Trichur - 680 544.)
- (36) Rajalakshmi B., D/o.Bhaskaran Nair, aged 37 years, Superintendent B/R I, Office of the Chief Engineer (Navy), Kochi. ((Manjaplackel, Poonjar South Post, Kottayam District - 686 582.)
- (37) V.P. Aravindakshan, S/o. Late. V.R. Padmanabhan, aged 57 years, Upper Division Clerk, Office of the Chief Engineer (Navy), Kochi. (84/3, MES Quarters, Katari Bagh, Naval Base P.O., Kochi - 4)

- (38) M. Ravindran, S/o. Late. A. Appu Nair, aged 40 years, D' Man I, Office of the Chief Engineer (Navy), Kochi. (Ammuppillil House, Mambra Post, Trissur Dt. - 680 308.)
- (39) T.K. Radhakrishnan, S/o. Late P.G.K. Nair, aged 57 years, F/Printer, Office of the Chief Engineer (Navy), Kochi. (RL Bhavan, Kananthara, Koduvayur, Palakkad Dt.)
- (40) R.G. David, S/o. Late David George, aged 52 years, D' Man I, Office of the Chief Engineer (Navy), Kochi. (Ramanchira Puthuparampil, Elanthoor East, Pathanamthitta District.)
- (41) T.R.S. Felix, S/o. Late T.P. Rokeey, aged 36 years, D' Man II, Office of the Chief Engineer (Navy), Kochi. (Thattasseril House, Edakochi, Kochi - 6.)
- (42) P.K. Menon, S/o. Late Shri. K.P. Panicker, Aged 52 years, Upper Division Clerk, Office of the Commander Works Engineers, Kochi. ('Ushas', Karuppankulangara, P.O., Cherthala)
- (43) P.V. Baby, S/o. Varghese, Aged 40 years, D' Man I, Office of the Commander Works Engineers, Kochi (Pallipatt House, Angamaly)
- (44) M.P. Manmadhan, S/o. Late Shri. Padmanabhan, Aged 39 years, D' Man II, Office of the Commander Works Engineers, Kochi (Panakkal House, Panangad, P.O., Kochi. 682506)
- (45) Suji Pappan, S/o. Late Shri. Pappan, Aged 26 years, Tracer, Office of the Commander Works Engineers, Kochi, (Suji Bhavan, Karimthottuva, P.O., Kollam District)

(Applicants 2 to 45 represented through authorised agent 1st applicant Shri. K.A. Harilal, S/o. K.N. Appu, Aged 35 years, SA II, Office of the Chief Engineer (Navy) Kochi, residing at Padmavihar, Kanjiramattom Post, Ernakulam District, Pin. 682 315.)

(By Advocate Mr. M.R. Rajendran Nair)

Vs.

(1) Union of India, represented by its Secretary to Government of India, Ministry of Defence, New Delhi.

(2) The Engineer-in-Chief, Army Headquarters, D.H.Q. Post, New Delhi. 1

(3) The Commander Works Engineer, Kochi. 4.

(4) The Chief Engineer, Southern Command, Pune. I

(5) The Chief Engineer, Navy, Kochi. 4. ... Respondents

(By Advocate Mr. N. Anil Kumar, ACGSC)

The application having been heard on 17.3.99, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicants who are working under the respondents 3 and 5 are aggrieved that though these offices are the administrative offices performing duties of secretarial nature, the system of five day week is not being introduced while such system is being followed in all other offices performing similar duties. They are aggrieved that while all the disadvantages attached to the implementation of five day week are being imposed on them they are being denied the benefit. Highlighting these grievances the first applicant made a representation to the second respondent but was told that as the grievance is of a general nature as per the existing instructions, individual representations would not be forwarded to the competent authority. Aggrieved by that the applicants have joined together and filed this application for a declaration that the offices in the Military Engineering Service down to the level of that of Commander Works Engineers which are doing works of secretarial nature are eligible to adopt and follow the 5 day week pattern of working and to direct the respondents to implement the 5 day week pattern of working in all the offices of the Military Engineering Service down to the level of that of Commander Works Engineer having works of secretarial nature.

2. When the application came up for hearing, learned counsel on either side agreed that it would be appropriate if the application is disposed of directing those applicants working under the third respondent to

make a collective representation to the third respondent and those working under the 5th respondent to make a collective representation to the 5th respondent and directing the respondents 3&5 respectively to forward the representation to the first respondent with necessary comments and also directing the first respondent to consider these representations and to give an appropriate reply to the applicants within a reasonable time.


3. In the light of the above submission of the learned counsel, the application is disposed of with the following directions:

- (a) The applicants working under the third respondent may make a collective representation addressed to the first respondent through the third respondent and the applicants working under the 5th respondent may make similar representation through the 5th respondent within two weeks from today.
- (b) Respondent 3 and 5 as the case may be shall on receipt of the representation within the aforesaid period forward them to the first respondent within a period of one month thereafter with necessary comments.
- (c) On receipt of the representations thus forwarded by the respondents 3 and 5, the first respondent shall consider them in

the light of the facts and circumstances highlighted in the representations as also in the comments offered by the respondents 3 and 5 and the rules and the rules and instructions on the subejct and to give the applicants an appropriate order within a period of three months of receipt of the representations from the concerned respondents.

(d) There is no order as to costs.

Dated the 17th day of March, 1999.



A.V. HARIDASAN  
VICE CHAIRMAN

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