

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 383/91
TXXXXXX

109

DATE OF DECISION 30.6.92

T.K.Ramavathy and seventy nine others.

Applicant (s)

M/s.K.A.Abdul Hameed,V.V.Nandagopal Advocate for the Applicant (s)

Versus

Union of India ,represented by the Secretary
to Government, Ministry of Defence, Government of India, Respondent (s)
New Delhi and 2 others.

Mr.P.Sankarankutty Nair, ACGSC Advocate for the Respondent (s)
CORAM :

The Hon'ble Mr. S.P.MUKERJI, VICE CHAIRMAN

The Hon'ble Mr. A.V.HARIDASAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. To be circulated to all Benches of the Tribunal? *no*

JUDGEMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

In this application dated 5th March 1991, the eighty applicants who have been working under the Flag Officer, Commanding in Chief, Southern Naval Command, Naval Base, Kochi, have prayed that the benefits given to the applicants in O.A.609/89 and 434/89 in the matter of regularisation of the services of the applicants therein from the date of initial appointment by condoning the breaks in service and all consequential benefits like arrears of pay, increments and seniority should be extended to them also. They have challenged the impugned order at Annexure A4 rejecting their representations to that effect. The applicants' case is that they were appointed initially on a casual basis on various dates between 2.1.74 and 23.7.84 and were regularised on various dates between 23.6.78 and 2.5.88. These dates are given at Annexure A1. Before their regularisation their casual services were given intermittent technical breaks. As a result of their casual service not being counted for seniority they are placed junior to persons who were appointed on a regular basis long after their dates of

original appointment on a casual basis. They have referred to the Ministry of Defence orders dated 26.9.1966 and 24.11.67 in which it was laid down that casual employees who have been in such employment for more than one year are to be regularised and their past casual service without break will be treated as regular for purposes of fixation of pay, annual increments, leave, pension and gratuity etc. like any other regular employees. However, it was mentioned in para 4 of the letter dated 24.11.67 that only the latest spell of continuous service without break will be taken into account and the casual service before the last break would be ignored. They have referred to another order dated 27.5.1980 modifying the circular of 24.11.1967 to the effect that conversion of casual employees to regular status will give them only financial benefits except that of seniority, probationary period and quasi-permanent status. The applicants have referred to the various decisions of the High Court of Andhra Pradesh and those of the Hyderabad and Bombay Benches of the Tribunal in applications moved by persons similarly circumstanced in which it was directed that the benefits of the orders dated 24.11.67 by condoning artificial or technical breaks in casual service should be given. In regard to the benefit of seniority which was taken away by the circular of 27.5.1980 which was upheld by the Bombay Bench, they have referred to the Full Bench decision of this Tribunal in O.A. 434/89 and 609/89 in which it was laid down that the circular of 27.5.1980 will not apply to those who were regularised before the date of issue of that circular.

2. In the counter affidavit the respondents have stated that the intermittent breaks in casual service were not technical but due to absence of additional work. They have argued that no persons junior to the applicants have been granted the benefits claimed by them and the benefits of the earlier judgments would be available only to those who were party to them.

3. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. An identical application filed by twenty six L.D.Cs of Naval Store Depot in O.A. 967/90 was disposed of by this very bench by the judgment dated 19.2.1992. In that case we

relied upon a common judgment dated 20.8.1990 in O.A. 434/89 and O.A. 609/89 and quoted from that judgment as follows:-

"12. In so far as the first issue is concerned, there is consensus of findings by the High Court of Andhra Pradesh and all the Benches of the Tribunal to the effect that, in accordance with the various orders of the Ministry of Defence, the applicants are entitled to be converted into regular employees with effect from the date of their initial employment as casual employees and that if there have been some technical breaks during their entire period of casual employment, the same are to be condoned. The relevant portion of the order dated 24/25.8.89 of the New Bombay Bench of the Tribunal which typifies the findings in all cases is as follows:-

"Respondents shall give all benefits due to the applicants in both the cases as per the Ministry of Defence letter No. 83482/EC-4/Org.4(Civ)(d)/13754/D(Civ.II) dated 24.11.67 as amended by corrigendum No.13051/OS-SC(ii)/2968/D(Civ-II) dated 27.5.80, from the dates on which the applicants were initially appointed on casual basis, by ignoring the artificial or technical breaks in their services."

"13. We see no reason to depart from the above decision in case of the applicants before us in these two cases and others similarly circumstanced. The stand taken by the respondents that the decision given by the High Court and the various Benches of the Tribunal should be applicable only to the applicants before them, cannot be accepted. Apart from the fact that a principle which is held good by the High Court of Andhra Pradesh and endorsed by the Hyderabad Bench, Calcutta Bench, Madras Bench and New Bombay Bench of the Tribunal cannot be dismissed as not applicable in case of the applicants who are similarly circumstanced as the applicants before those Benches. The applicants before us belong to the same cadre as the applicants in the aforesaid cases, and over and above that, they admittedly figure in the same all-India Seniority List, irrespective of the Naval Command to which they belong. The letter dated 3.11.86 of the Chief of Naval Staff(vide p.77 of the Paper Book) also extended the benefit of Andhra Pradesh High Court's judgment to all similarly circumstanced.

"14. In the above circumstances and in conformity with the various decisions of High Court of Andhra Pradesh, Hyderabad Bench, Calcutta Bench, Madras Bench and New Bombay Bench of this Tribunal, we allow this application in part with the direction that the respondents shall ignore the artificial or technical breaks in the casual services of the applicants and regularise them from the date of their initial appointment on a casual basis with all benefits due to them as per Ministry of Defence letter No.83482/EC-4/Org.4(Civ)(d)/13754/D

21

(Civ-II) dated 24.11.67 as amended by corrigendum No.13051/OS-SC (ii)/2968/D(Civ-II) dated 27.5.80".

Accordingly we allowed pre-dating of the date of regularisation with effect from the dates of initial casual appointment by condoning the breaks in service and financial benefits flowing therefrom. We held that whether the applicants are borne in an all India list or a Command list makes no difference. As regards the question of granting them the benefit of seniority we noted the Full Bench finding and granted the benefits of seniority to all the applicants who had been regularised before 27.5.1980. As regards those who had been regularised after 27.5.1980 we observed as follows:-

"So far as the benefit of seniority for these twelve applicants is concerned, we reiterate our views as expressed in our judgment dated 20.8.1990 in O.A 434/89 and O.A.609/89, a copy of which judgment is at Annexure A.2 and disagree with the finding of the New Bombay Bench given in their judgment dated 24/25 August, 1989 in O.A. 516/88 and O.A. 732/88 that the benefit of seniority will accrue from the date they are regularised against regular vacancies. We feel that once the previous casual service is regularised it has to count for seniority as any regular service irrespective of existence of any regular vacancy which is material only for confirmation. The Larger Bench in very unequivocal terms endorsed our view as in paras 12 and 13 of their judgment dated 29.11.1990 which we repeat again as follows.

"12. In our considered opinion, once it is concluded that the applicants should be regularised with effect from the date of their initial appointment as casual employees after condoning the technical breaks, it is implicit that those employees would be entitled to seniority from the same date of their initial appointment in which they have been regularised.

"13. In G.P.Doval vs. Chief Secretary, Government of U.P. 1984(4) S.C.C.329 at 343, the Supreme Court has observed that "It is thus well settled that where officiating appointment is followed by confirmation, unless a contrary rule is shown, the service rendered as officiating appointment cannot be ignored for reckoning length of continuous officiation for determining the place in the seniority list."(See also Delhi Water Supply and Sewage Disposal Committee and Others vs. R.K.Kashyap & Others, 1989 S.C.C.(L&S)253)."

The Larger Bench also in item (iii) of their finding(para 5 supra) questioned the legality of the decision of the New Bombay Bench to determine the seniority of post- 27.5.80 persons in a different manner. We have no doubt in our mind that the Larger Bench did not endorse the restrictive finding of the New Bombay Bench".



4. Following our decision in the aforesaid cases, accordingly, we allow this application with the direction/declaration that the applicants are entitled to be regularised with effect from the date of their initial casual appointment and the respondents are directed to condone the breaks in service and give them all financial benefits flowing therefrom. As regards the question of seniority, all the applicants before us except the following, who were in accordance with Annexure A1, as accepted by the respondents also, regularised after 27.5.80, will be entitled to all the benefits including the benefit of seniority from the dates of their original appointment on a casual basis. The names of the excluded applicants so far as the seniority is concerned, with the dates of their regularisation are as follows:-

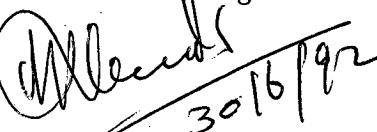
<u>Sl.No.</u>	<u>Name</u>	<u>Date of regularisation</u>
1.	T.K.Remavathy	1.4.82
2.	M.M.Bhaskara Kurup	7.10.80
3.	K.Bhasi	4.10.82
4.	P.M.John	3.11.80
5.	P.Savithri	4.10.82
6.	Lalitha R.Krishnan	3.9.80
7.	P.Chandrasekharan	1.1.82
8.	K.Rugmini	4.10.82
9.	C.P.Bhargavi	11.11.80
10.	G.Prasanna Kumari	1.11.80
11.	K.N.Komala	4.10.82
12.	Sarala V.Pillai	20.10.82
13.	Priyamvada A.S.	4.10.82
14.	M.Annamma	1.1.84
15.	K.A.Sudarsanan	4.10.82
16.	S.Girija	31.1.83
17.	S.Kamalakshi Ammal	4.10.82
18.	V.Usha	10.12.82
19.	K.Vijayamma	15.9.84
20.	Lalitha Prasannan	4.10.82
21.	Santha Gopinath	27.11.82
22.	Leenet Joseph	4.4.83
23.	Leela Thomas	4.4.83
24.	K.M.Maria Jasinta	4.4.83
25.	Radhamani K.	4.10.82
26.	A.Sobhana	20.1.84
27.	Alphonsa Joseph	2.11.81

28.	P.T.N Shajeevan	7.7.87
29.	Chandrakumari B.	6.4.86
30.	K.Santha	2.5.88
31.	P.P.Prasannakumari	1.5.87
32.	Asha Vinod	10.11.88
33.	P.R.Parameswaran	22.5.86
34.	Pankajavally	1.12.84
35.	Janaki Subrahmanian	3.2.86
36.	S.Sreelatha	1.1.86
37.	K.G.Teresa Jackaline	2.4.85
38.	M.K.Ammini	3.8.87
39.	K.K.Purushothaman	1.5.87
40.	N.P.Sasidharan	1.1.86
41.	M.J.Martha	4.11.86
42.	S.Valsala Kumari	13.1.87
43.	Jacob George	23.12.86
44.	T.A.Francis	2.5.88
45.	C.B.Sobhana	4.11.90
46.	Maria D'Sousa	1.4.87
47.	V.Usha	22.5.86
48.	Kusumum Varghese	3.4.89
49.	K.K.Seethamani	3.8.90
50.	Mohan Das T.V.	1.5.87
51.	Vanaja Sudheer	4.4.83
52.	T.S.Sumu	30.1.87
53.	T.R.Omana	18.8.86
54.	I.Remadevi	20.5.88
55.	G.Vijayalakshmi Amma	18.10.90
56.	N.Girija	10.4.87
57.	K.Muktha Bai	2.5.88
58.	C.R.Sajeev Babu	7.5.86
59.	M.A.Joseph Roy	1.12.84
60.	K.Syamdas	1.5.87
61.	M.C.Venugopal	30.9.83
62.	K.Raveendran	30.9.83
63.	K.Réghunathan Pillai	30.9.83
64.	P.R.Jayachandran	30.9.83
65.	N.Santha	1.5.87
66.	P.I.Chechamma	9.3.85
67.	A.K.Gopi	2.1.90
68.	Omana Antony	3.4.89
69.	K.R.Appu	9.3.85
70.	Jacob Antony	30.3.83

71.	N.N.Sathiabhamma	13.1.87
72.	M.K.Sreerekha	1.8.90
73.	T.U.Alice	30.3.83
74.	P.G.Elizabeth	2.6.80

Since the Larger Bench did not give their finding on the general question of seniority based on regularised casual service, the question of granting benefit of seniority to the aforesaid excluded applicants will have to be decided by overruling or accepting the decision of the New Bombay Bench. We, accordingly, direct the Registry to refer the following issue to the Hon'ble Chairman for constituting a Larger Bench for a decision. The issue is as follows:-

Whether the benefit of seniority to casual employees who are regularised in accordance with the Ministry of Defence letter dated 24.11.67 as amended by the corrigendum dated 27.5.1980 can be given from the date of initial appointment on a casual basis if the breaks in service are condoned, irrespective of the availability of a regular vacancy even in respect of those casual employees who were regularised after 27.5.1980.


30/6/92
(A.V.Haridasan)
Judicial Member


30/6/92
(S.P.Mukerji)
Vice Chairman

n.j.j

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.S 967/90, 973/90, 30/91, 383/91, 572/91 & 1579/91.

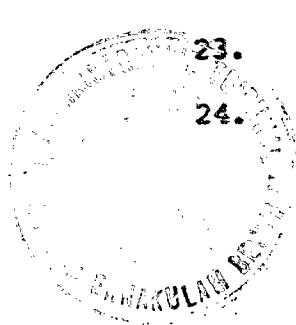
FRIDAY THIS THE 1ST DAY OF JULY, 1994.

CORAM:

HON'BLE MR. JUSTICE CHETIUR SANKARAN NAIR, VICE-CHAIRMAN.
HON'BLE MR. J.P. SHARMA, JUDICIAL MEMBER.
HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER.

(1) OLA.967/90.

1. K. George Varghese,
2. P.J. Jessy
3. T.C. Alli
4. P. Suseela Devi
5. C.U. Molly
6. L. Indira Devi
7. T.S. Kochammini
8. C. Savithri
9. T.K. Santha
10. M.K. Leela
11. K.N. Venugopalan
12. K.A. Purushan
13. C.K. Vasanthakumari
14. C.P. Padmaja
15. P.N. Girija
16. V. Sebhanamani
17. Umamba Thampufatty K,
18. D. George
19. K.S. Soman
20. V.P. Santhi
21. M.K. Ayyappan
22. Lilly Francis
23. R. Vasanthakumari
24. P.J. Gracy



25. L.V. Parvathy

26. A.K. Ramani

...Applicants

(All these applicants working as Lower Division Clerks in Naval Store Depot, Naval Base, Cochin-4).

By advocate Mr. V.V. Nandagopal Nambiar.

V/s.

1. Union of India represented by the Secretary to the Government, Ministry of Defence, Govt. of India, New Delhi.

2. Chief of Naval Staff, Naval Headquarters, New Delhi.

3. Flag Officer Commanding, Southern Naval Command, Naval Base, Cochin-4.

...Respondents

By advocate Mr. C. Kochumani Nair, SCGSC.

(2) O.A.973/90.

1. M.O. Jesa

2. K.K. Varghese

3. A. Punnose

4. A.D. James

5. P. Elizabeth

6. Rajamma Cherian

7. C.V. Santha

8. O.T. Kanakambal

9. A.N. Santha

10. K.R. Sumathy

11. M.P. Annam

12. Mary Kutty Abraham

13. P. Dandapani

14. V. Balachandran

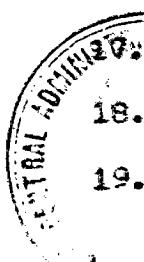
15. O.K. Vilasimy

16. P. Radhalakshmy

17. P.Z. Sunfaran

18. M.A. Rosy

19. Matilda Britto



20. C.P. Abraham
21. Benjamin Samuel
22. Geethabalika
23. N. Velayudhan
24. P.K. Padmavathy
25. I.K. Kala
26. K.C. Elizwa

(All applicants working as Lower Division Clerk in Naval Store Depot, Naval Base, Cochin-4).

By advocate Mr. K. Shri Hari Rao.

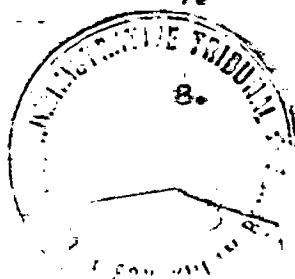
v/s.

1. Union of India, represented by the Secretary to Government, Ministry of Defence, Govt. of India, New Delhi.
2. Chief of Naval Staff, Naval Headquarters, R.K. Puram, New Delhi.
3. Flag Officer Commanding, Southern Naval Command, Naval Base, Cochin-4.

By advocate Mr. Mathew G. Vadakkal, ACGSC.

(3) O.A.30/91.

1. V.K. Pazhanimala, Steno, Naval Ship Repair Yard, Naval Base, Cochin-4.
2. K.V. Mathew, Lower Division Clerk, Naval Ship Repair Yard, Naval Base, Cochin-4.
3. E.A. Vijayan, Peon, Naval Ship Repair Yard, Naval Base, Cochin-4.
4. L.H. Thilakavathy, Lower Division Clerk, Naval Armament Inspectorate, Naval Base, Cochin-4.
5. P.M. Radhakrishnan, Nair, Lower Division Clerk, Naval Armament Inspectorate, Naval Base, Cochin-4.
6. Kumudagopinath, Lower Division Clerk, Naval Armament Inspectorate, Naval Base, Cochin-4.
7. P. Indira, Lower Division Clerk, Naval Armament Inspectorate, Naval Base, Cochin-4.
8. K.G. Chandikartha, Lower Division Clerk, Headquarters, Southern Naval Command, Naval Base, Cochin-4.



9. K.N.Chandrakala, Lower Division Clerk, Headquarters, Southern Naval Command, Naval Base, Cochin-4.
10. C.K.Rajeswari, Steno, Headquarters, Southern Naval Command, Naval Base, Cochin-4.
11. M.V. Narayanan Kutty, Lower Division Clerk, Headquarters, Southern Naval Command, Naval Base, Cochin-4.
12. Thankamani. N.M., Lower Division Clerk, Nay, Naval Base, Cochin-4.
13. C.A. Omena, Lower Division Clerk, INS Dronacharya, Naval Base, Cochin-4.
14. Francis. K.A., Lower Division Clerk, INS Dronacharya, Naval Base, Cochin-4.
15. L. Sukesimi, Lower Division Clerk, INS Dronacharya, Naval Base, Cochin-4.
16. Kamala Raman, Lower Division Clerk, INS Dronacharya, Naval Base, Cochin-4.
17. K. Sumathy, Lower Division Clerk, INS Dronacharya, Naval Base, Cochin-4.
18. P.M. Sheela, Lower Division Clerk, INS Dronacharya, Naval Base, Cochin-4.
19. C.M. Balagangadharan, Lower Division Clerk, INS Dronacharya, Naval Base, Cochin-4.
20. K. Padmavathy Ammal, Lower Division Clerk, INS Dronacharya, Naval Base, Cochin-4.
21. V.R. Bhasi, Lower Division Clerk, INS Dronacharya, Naval Base, Cochin-4.
22. P. Ambujam, Lower Division Clerk, Naval Store Depot, Naval Base, Cochin-4.
23. Premalatha. P.N., Lower Division Clerk, Naval Store Depot, Naval Base, Cochin-4.
24. Santha Mehan, Lower Division Clerk, Naval Store Depot, Naval Base, Cochin-4.
25. K.J.Mercy, Lower Division Clerk, Naval Store Depot, Naval Base, Cochin-4.
26. P.G. Annamma, Lower Division Clerk, Naval Store Depot, Naval Base, Cochin-4.
27. Omena. K.M., Lower Division Clerk, Naval Store Depot, Naval Base, Cochin-4.
28. Chinnamma Mathew, Lower Division Clerk, Naval Store Depot, Naval Base, Cochin-4.
29. Deenamma Xavier, Lower Division Clerk, Naval Store Depot, Naval Base, Cochin-4.

30. K.G.Menamani, Lower Division Clerk, Naval Store Depot, Naval Base, Cochin-4.

...Applicants

By advocate Mr. V.V. Nandagopal Nambiar.

V/s.

1. Union of India represented by the Secretary to Government, Ministry of Defence, Govt. of India, New Delhi..

2. Chief of Naval Staff, Naval Headquarters, R.K. Puram, New Delhi.

3. Flag Officer Commanding, Southern Naval Command, Naval Base, Cochin-4.

...Respondents

By advocate Mr. V. Ajith Narayanan, ACGSC.

(4) O.A.383/91.

1. T.K. Ramavathy, L.D.Clerk, Naval Air Craft Yارد, Kochi-4.

2. C.C. Vincenssia, L.D.Clerk, Head Quarters Southern Naval Command, Kochi-4.

3. P.N. Bharatha, L.D.C., Signal School, I.N.S. Venduruthy.

4. M.M. Bhaskara Kurup, L.D.C., Head Quarters, Southern Naval Command, Naval Base, Kochi.

5. K. Bhasi, L.D.C., Head Quarters, Southern Naval Command, Naval Base, Kochi-4.

6. T.V. Joseph Michael, L.D.C., H.Q. S.N.C.

7. P.M. John, L.D.C., Naval Air Craft Yard, Kochi-4.

8. Smt. P. Savithri, L.D.C. INS Venduruthy, Naval Base, Kochi-4.

9. Lalitha R. Krishnan, L.D.C., INS Venduruthy, Naval Base, Kochi-4.

10. P. Chandrasekharan, LDC, H.Q.S.N.C., Kochi-4.

11. K. Geetha, L.D.C., H.Q.N.C.

12. K. Sugmini, L.D.C., H.Q.S.N.C., Kochi.

13. C.P. Sharvari, L.D.C., INS Garuda, Naval Base, Kochi-4.

14. G. Prasannakumari, L.D.C., H.Q.S.N.C., Naval Base, Kochi.

15. S.N. Kerala, L.D.C., INS Garuda, Naval Base, Kochi-4.

16. Smt. Sarala V. Pillai, L.D.C., H.Q.S.N.C., Kochi-4.
17. K.N. Gepinath, Babu, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
18. Priyamvada. A.S., L.D.C., H.Q.S.N.S., Kochi-4.
19. M.Annamma, L.D.C., H.Q.S.N.C., Kochi.4.
20. K.A. Sudarshan, L.D.C., Naval Air Craft Yard, Kochi-4.
21. S. Girija, L.D.C., Naval Air Craft Yard, Kochi-4.
22. S. Kamalakshi Ammal, L.D.C., Naval Air Craft Yard, Kochi-4.
23. V. Usha, L.D.C. Naval Air Craft Yard, Kochi-4.
24. K. Vijayamma, L.D.C., Naval Air Craft Yard, Kochi-4.
25. Lalitha Prasannan, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
26. Santha Gepinath, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
27. Leenet Joseph, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
28. Leela Thomas, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
29. K.M. Mariya Jasinha, L.D.C., Signal School, INS Venduruthy, Naval Base, Kochi-4.
30. Radhamani K, L.D.C., H.Q.S.N.C., Kochi-4.
31. A. Sebhana, L.D.C., Naval Air Craft Yard, Kochi.
32. Alphonsa Joseph, L.D.C., Naval Air Craft Yard, Kochi.
33. P.T.N. Shajeevan, L.D.C., Naval Air Craft Yard, Kochi.
34. Chandrakumari. B., L.D.C., INS Garuda, Kochi-4.
35. K. Santha, L.D.C., S.F.N.A., INS Garuda, Kochi-4.
36. Smt. P.P. Prasanna Kumari, L.D.C., Naval Air Craft Yard, Kochi-4.
37. Smt. A. Asha Vined, L.D.C., Naval Air Craft Yard, Kochi-4.
38. P.R. Parameswaran, L.D.C., H.Q.S.N.C., Kochi-4.
39. Pankajavally, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
40. Janaki Subramanya, L.D.C., H.Q.S.N.C., Kochi-4.
41. S. Sreelatha, L.D.C., H.Q.S.N.C., Kochi-4.

42. K.G. Theresa Jackaline, LDC, Signat Scheel, INS Venduruthy, Naval Base, Kochi-4.

43. M.K. Ammimi, W/o. Kuttappan, L.D.C., INS Venduruthy, Naval Base, Kochi-4.

44. K.K. Purushothaman, L.D.C., H.Q.S.N.C., Kochi-4.

45. N.P. Sasidharan, L.D.C., Head Quarters, Southern Naval Command, Kochi-4.

46. M.J. Martha, L.D.C., H.Q.S.N.C., Kochi-4.

47. S. Valsalakumari, L.D.C., H.Q.S.N.C., Kochi-4.

48. Jacob George, L.D.C., IN Distributing Authority H.Q.S.N.C., Kochi-4.

49. T.A. Francis, L.D.C., H.Q.S.N.C., Kochi-4.

50. C.B. Sebhana, L.D.C., H.Q.S.N.C., Kochi-4.

51. Maria D' Souzha, L.D.C., H.Q.S.N.C., Kochi-4.

52. V. Usha, L.D.C., H.Q.S.N.C., IN Distributing Authority.

53. Kusuman Varghese, L.D.C., H.Q.S.N.C., Kochi-4.

54. K.K. Seethamoni, L.D.C., H.Q.S.N.C., Kochi-4.

55. Mehadas T.C., L.D.C., H.Q.S.N.C., Kochi-4.

56. Vanaja Sudheer, L.D.C., INS Venduruthy, Naval Base, Kochi-4.

57. T.S. Suma, L.D.C., H.Q.S.N.C., Kochi-4.

58. T.R. Omara, L.D.C., Naval Air Craft Yard, Kochi-4.

59. L. Ramadevi, L.D.C., Naval Air Craft Yard, Kochi-4.

60. G. Vijayalakshmi Amma, L.D.C., Naval Air Craft Yard, Kochi-4.

61. N. Gerija, L.D.C., INS Garuda, Naval Base, Kochi-4.

62. K. Muktha Bai, L.D.C., INS Garuda, Naval Base, Kochi-4.

63. C.R. Sajeev Babu, L.D.C., Naval 1 Store Depot, Kochi-4.

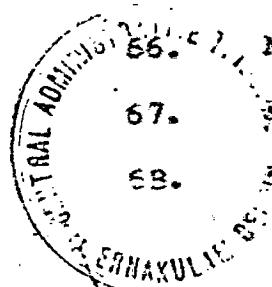
64. M.A. Joseph Roy, L.D.C., Naval 1 Store Depot, Kochi-4.

65. K. Syamadas, L.D.C., INS Garuda, Kochi-4.

66. M.C. Venugopalan, L.D.C., INS Garuda, Kochi-4.

67. K. Ravendran, L.D.C., H.Q.S.N.C., Kochi-4.

68. K. Raghunathan Pillai, L.D.C., H.Q.S.N.C., Kochi-4.



69. P.R. Jayachandran, L.D.C., Base Logistic Office, Kochi-4.
70. N. Santha, L.D.C., H.Q.S.N.C., Kochi-4.
71. P.I. Chechamma, L.D.C., Base Logistic Office, Naval Base, Kochi-4.
72. A.K. Gopi, L.D.C., H.Q.S.N.C., Kochi-4.
73. Omaha Antony, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
74. K.R. Appu, L.D.C., H.Q.S.N.C., Kochi-4.
75. Jacob Antony, L.D.C., H.Q.S.N.C., Kochi-4.
76. K.S. Indira, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
77. M.N. Sathiabhama, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
78. M.K. Sreerekha, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
79. T.J. Alice, L.D.C., INS Venduruthy, Naval Base, Kochi-4.
80. P.G. Elizabeth, LDC, Naval Air Craft Yard, Kochi-4.

...Applicants

By advocate Mr. V.V. Nandagopal Nambiar.

V/s.

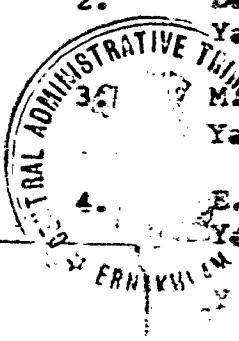
1. Union of India, represented by the Secretary to Government, Ministry of Defence, Government of India, New Delhi.
2. The Chief of Naval Staff, Naval Headquarters, R.K. Puram, New Delhi.
3. The Flag Officer, Commanding in Chief, Southern Naval Command, Naval Base, Kochi-4.

...Respondents

By advocate Mr. T.P.M. Ibrahim Khan, ACGSC.

(5) O.A.572/91.

1. V.P. Sebha, Progress Recorder, Naval Aircraft Yard, Cochin-4.
2. Davis Varkey, Progress Recorder, Naval Aircraft Yard, Cochin - 4.
3. M.M. Alamelu, Progress Recorder, Naval Aircraft Yard, Cochin - 4.
4. E.J. Saramma, Progress Recorder, Naval Aircraft Yard, Cochin - 4.



5. Jayanthi Shankar, Assistant Librarian, Naval Aircraft Yard, Cochin - 4.
6. Sreekala M.S., Assistant Librarian, Naval Aircraft Yard, Cochin - 4.
7. A.E. Constant, Draughtsman, Naval Aircraft Yard, Cochin - 4.
8. V.K. Sivakumar, Tracer, Naval Aircraft Yard, Cochin - 4.
9. V. Kuttan, Peon, I.N.S. Garuda, Naval Base, Cochin - 4.
10. A.C. Jose, Copycat Operator, Naval Aircraft Yard, Cochin - 4.
11. P.C. Valsa, Stenographer, I.N.S. Garuda, Naval Base, Cochin - 4.
12. K.S. Babu, Stenographer, Head Quarters, Southern Naval Command, Cochin - 4.
13. K.N. Ambika Kumari, Stenographer, Head Quarters, Southern Naval Command, Cochin - 4.
14. M.J. Visweswari, Steno, I.N.S. Garuda, Naval Base, Cochin - 4.
15. M. Amminikutty, Steno, Head Quarters, Southern Naval Command, Cochin - 4.
16. N. Nagammal, Steno, Naval Aircraft Yard, Cochin - 4.
17. Mary John, Steno, Naval Aircraft Yard, Cochin - 4.
18. Ammini Kuriakose, Steno, INS Garuda, Naval Base, Cochin - 4.
19. M. Chandramathi, U.D.C., INS Venduruthy, Naval Base, Cochin - 4.
20. K.M. Sheila, U.D.C., Head Quarters, Southern Naval Command, Naval Base, Cochin - 4.
21. Melly Varghese, U.D.C., Naval Aircraft Yard, Cochin - 4.
22. Ravi Kumar, K. Draughtsman, INS, Venduruthy, Naval Base, Cochin - 4.
23. Samadevi K.D., Tracer, INS, Venduruthy, Naval Base, Cochin - 4.
24. K.G. Ushakumari, Steno, Naval Air Technical School, Naval Base, Cochin - 4.
25. Suganya Joseph, U.D.C., Head Quarters, Southern Naval Command, Naval Base, Cochin - 4.
26. Margaret Pillai, U.D.C., INS Venduruthy, Naval Base, Cochin - 4.

27. V.V. Eliyamma, L.D.C., INS, Venduruthy, Naval Base, Cochin - 4.
28. Lilly David, L.D.C., INS Garuda, Naval Base, Cochin - 4.
29. N.K. Baiju, Draughtsman, ASW School, INS Venduruthy, Naval Base, Cochin - 4.
30. K.K. Vijayamma, Draughtsman, INS Venduruthy, Naval Base, Cochin - 4.
31. C.G. Shylaja, L.D.C., Naval Aircraft Yard, Cochin-4.
32. K.C. Jessily, L.D.C., INS Garuda, Naval Base, Cochin - 4.
33. Reshma N. Menon, L.D.C., Station Health Organisation, Naval Base, Cochin - 4.
34. Latha Unnikrishnan, L.D.C., INS Venduruthy, Naval Base, Cochin - 4.
35. O.V. Sukumari, LDC, INS, Venduruthy, Naval Base, Cochin - 4.
36. K.P. Lalitha, Junior Scientific Assistant, INS Venduruthy, Naval Base, Cochin - 4.

...Applicants

By advocate Mr. V.V. Nandagopal Nambiar.

V/s.

1. Union of India, represented by the Secretary to Government, Ministry of Defence, Government of India, New Delhi.
2. The Chief of Naval Staff, Naval Headquarters, R.K. Puram, New Delhi.
3. The Flag Officer, Commanding in Chief, Southern Naval Command, Naval Base, Cochin-4.

...Respondents

By advocate Mr. C. Kochunni Nair, SCGSC.

(6) O.A.1579/91.

1. V.N. Sathyavratnam, Store Keeper, Naval Store Depot, N.S.D. (C), Naval Base, Kochi.

2. J. Soleman, Assistant Store Keeper, D.I.N.T. (C), Directorate of Installation, Naval Training, Naval Base, Kochi.



3. N. Narayana Pillai, Store Keeper, Naval Aircraft (C), Naval Base, Kochi.
4. K.P. Thankappan, Assistant Store Keeper, Naval Air Inspection Stores, Naval Base, Kochi.
5. N.K. Padmini, Store Keeper, Naval Store Depot, Kochi-4.
6. K.N. Madhusoodanan, Assistant Store Keeper, Naval Store Depot, Kochi - 4.
7. P.C. Praseela, Assistant Store Keeper, Naval Store Depot, Kochi-4.
8. V.F. Cleetus, Assistant Store Keeper, N.A.Y. (C), Kochi - 4.
9. P.N. Michael, Store Keeper, N.A.Y. (C), Kochi - 4.
10. P.S. Hari Kumar, Assistant Store Keeper, N.A.Y (C), Kochi - 4.
11. K.P. Rajini, Assistant Store Keeper, N.S.D. (C), Kochi - 4.
12. S. Rajappan, Assistant Store Keeper, N.A.Y(C), Kochi - 4.
13. N. Saseedharan Nair, Assistant Store Keeper, N.S.D. (C), Kochi - 4.
14. C. Ambika, Assistant Store Keeper, N.S.D. (C), Kochi - 4.
15. C.B. Girigasan, Assistant Store Keeper, N.A.Y(C), Kochi - 4.
16. K.K. Sugathan, Assistant Store Keeper, N.A.Y(C), Kochi - 4.
17. A. Kuppu, Assistant Store Keeper, N.S.D(C), Kochi - 4.
18. P.V. Santhakumari, Assistant Store Keeper, Naval Store Depot, Kochi - 4.
19. Sumangala P.M., Assistant Store Keeper, Naval Store Depot, Kochi - 4.
20. V.K. Sreekumar, Assistant Store Keeper, Naval Store Depot, Kochi - 4.
21. N.S. Santhosh, Assistant Store Keeper, Naval Store Depot, Kochi - 4.
22. K. Prasanna Kumar, Assistant Store Keeper, Naval Store Depot, Kochi - 4.
23. K.A. Aravindan, Assistant Store Keeper, D.I.E.T (C), Kochi - 4.



24. Madhavan Nair P.K.,
Assistant Store Keeper,
D.I.N.T(C), Kochi - 4.

25. K. Gopala Pillai, Assistant Store Keeper,
N.S.R.Y(C), Naval Ship Repairing Yard, Kochi-4.

26. T. Dinesh Kumar, Assistant Store Keeper, N.D.D.,
Kochi - 4.

27. P.L. Padmadas, Assistant Store Keeper, N.S.D.,
Kochi - 4.

28. P.T. Gopalakrishnan Nair, Assistant Store Keeper,
N.S.D., Kochi - 4.

29. Sunny Paily, Assistant Store Keeper, N.S.D.,
Kochi - 4.

30. M.K. Velayudhan, Assistant Store Keeper, N.S.R.Y(C),
Kochi - 4.

31. A. Premarajan, Assistant Store Keeper, S.I.N.T(C),
Kochi - 4.

32. V. Ramesh, Assistant Store Keeper, N.S.R.Y., Kochi-4.

33. P.R. Jayarajan, Assistant Store Keeper,
N.S.R.Y., Kochi - 4.

34. P. Vijaya Kumar, Assistant Store Keeper, N.S.R.Y.,
Kochi - 4.

35. M.S. Jayakumar, Assistant Store Keeper,
N.C.Y(C), Kochi - 4.

36. V.S. Suresh, Assistant Store Keeper, D.I.N.T(C),
Kochi - 4.

37. U.B. Kalyanakrishnan, Assistant Store Keeper,
Naval Ship Repair Yard, Cochin.

38. E.J. Colman, Assistant Store Keeper, Naval Ship
Repair Yard, Cochin, Naval Base, Kochi - 4.

39. V. Sudhir, Assistant Store Keeper, Naval Store
Depot (C), Kochi - 4.

40. S. Sathyajith, Assistant Store Keeper, Naval Base, Kochi-4

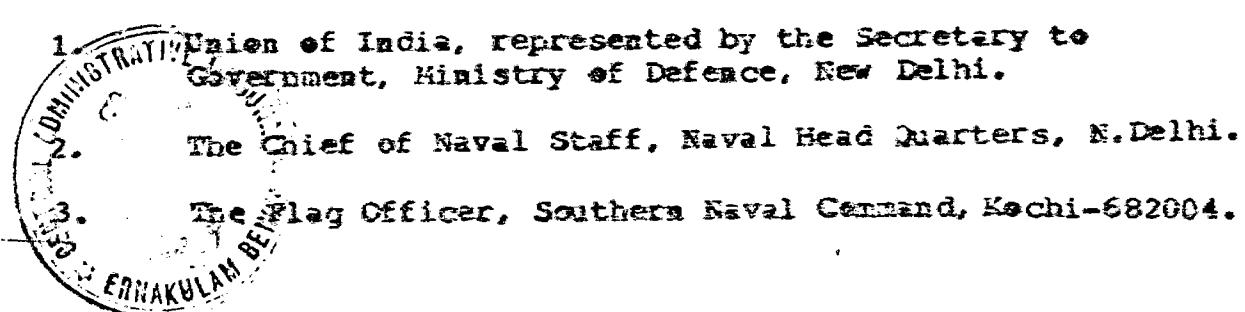
41. V.C. Anil Kumar, Assistant Store Keeper, Naval Store
Depot, Naval Base, Kochi-4.

42. M.G. Saraswathy, Assistant Store Keeper, Naval Store
Depot, Naval Base, Kochi-4.

43. S.C. Sayed Koya, Assistant Store Keeper, Naval Store
Depot, Naval Base, Kochi-4. ...Applicants

By advocate Mr. Mathai M. Paikeday.

v/s.



4. The Assistant Controller Materials,
Naval Store Depot,
Kochi-4. ... Respondents

By advocate Mr. T.P.M. Ibrahim Khan, ACGSC.

ORDER

HON'BLE MR. J.P.SHARMA:

The Bench of Hon'ble Mr. S.P. Mukerji, Vice-Chairman and Hon'ble Mr. A.V. Haridasan, Member, while hearing OA-967/90 along with other O.A.s involving the similar issues vide order dated 19-2-1992 referred the matter to the Hon'ble Chairman for constituting a Larger Bench for a decision on the following point :

" Whether the benefit of seniority to casual employees who are regularised in accordance with the Ministry of Defence letter dated 24.11.67 as amended by the corrigendum dated 27.5.1980 can be given from the date of initial appointment on a casual basis if the breaks in service are condoned, irrespective of the availability of regular vacancy even in respect of those casual employees who were regularised after 27.5.1980. "

2. The Bench has, therefore, been constituted under orders of the Hon'ble Chairman, Central Administrative Tribunal, New Delhi. The Bench heard the counsel for the parties present representing either side at length, and besides deciding the issue referred to the Full Bench, with the consensus of the counsel representing the parties, the Original Applications shall also be disposed of on the basis of the finding to be arrived at on the issue referred to the Larger Bench.

3. In OA-967/90, K. George Varghese and 25 others at the relevant time have been working as Lower Division Clerk

contd...

Naval Store Depot, Naval Base, Cochin Fort. The details of their initial appointment on casual basis and the date of their regularisation as L.D.C. has been given in Annexure A-I. They have prayed for the grant of the reliefs that they should be considered in regular service as Lower Division Clerks with effect from their date of initial appointment on casual basis by ignoring the breaks and that they should be given the benefit of retrospective regularisation in service with revision of the seniority list and consequential promotion thereof.

4. In OA-973/90, M.O. Jose and 25 others, have also raised the same grievance and prayed for the grant of the ~~same~~ same reliefs giving in Annexure A-I the date of initial appointment on casual basis as well as date of regularisation on the posts of L.D.C.

5. In OA-30/91, V.K. Pazhimala who has been working as Stenographer and E.A. Vijayan working as Peon and the other 28 applicants working as Lower Division Clerks have also raised the same grievance and prayed for the grant of the same reliefs giving the date of their initial appointment on casual basis and date of regularisation in Annexure A-I annexed to the Original Application.

6. In OA-572/91, V.P. Sobha along with 35 other applicants who has been working in various discipline as

Progress Recorder, Assistant Librarian, Draughtsman, Tracer, Copycat Operator, Steno, Peon, UDC, LDC, Junier Scientific Assistants have also raised the same grievance and prayed for the grant of the same reliefs as in the earlier O.A.s giving their date of initial appointment on casual basis and the date of regularisation in Annexure A-I annexed with the application.

7. In OA-383/91, T.K. Ramavathy and seventy nine others who have been working as L.D.C. have raised the same grievance as raised in the earlier O.A.s and prayed for the grant of the same reliefs giving the details of their initial appointment on casual basis and the date of the regularisation in Annexure A-I annexed to the said application.

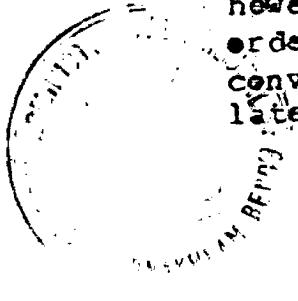
8. In OA-1579/91, V.N. Sathyavrathan and 42 others who have been working as Stere Keeper/Assistant Stere Keeper with the respondents have raised the same grievance referred to in the above O.A.s and prayed for the grant of the same reliefs.

9. In fact, the applicants in all the above referred original applications have the same grievance and so all these cases have been clubbed together and also in view of the reference of all these cases to the Full Bench, are, therefore, disposed of by common judgment and the arguments have been advanced treating one of the cases as a leading case.

It is an undisputed fact that the applicants in all these

cases were appointed in various discipline of the Navy controlled by Chief of Naval Staff and Flag Officer Commanding-in-Chief of the earmarked Naval Command or the Flag Officer of the earmarked area. It is also not disputed that they were appointed initially purely on temporary basis and their term of appointment was casual which lasted for a particular period and thereafter they were ceased from the service and again in the exigencies of the service and the job requirement, were re-engaged for another period followed by same ordeal of ceasing them from service and again re-engaging them. By this process, all the applicants continued to serve with technical breaks till the date of their regularisation in service which has been effected by an order of 24-11-1967 issued by Ministry of Defence on the subject of terms and conditions of the non-casual employees. Para 2 of the said letter is quoted Below :

" 2. I am also directed to say that the past service rendered from the date of appointment by such of the casual non-industrial personnel including those mentioned in para 1 above who are converted as regular non-industrial employees will be treated as having been rendered in the regular capacity. They will be entitled to all benefits as for regular employees viz. fixation of pay, grant of annual increments, calculation of leave pension and gratuity terminal benefits, three years limit of children education allowance, re-imbursement of tuition fees, house rent allowance, medical attendance medical re-imbursement, grant of quasi-permanent status and compulsory contribution to Central Provident Fund, Contributory Provident Fund Advance of Pay etc. The financial benefit will, however, be allowed from the date of issue of these orders or the date from which the individual is converted into a regular employees which ever is later. "



10. By virtue of para 4, it is further mentioned that in cases involving break in casual service, the benefit of these orders will be admissible from the commencement of only their latest spell of continuous service without break and the period of service earlier to the break would be ignored even though their duration may have been more than a year.

11. The Ministry of Defence, however, issued a corrigendum to the aforesaid O.M. dated 24-11-1967 on 27-5-1980 on the subject of terms and conditions of service of casual non-industrial employees. The said corrigendum is reproduced below :

" The following amendments are made to this Ministry's letter No.88482/HC-4/Org-4(Civ) (d)/13754/D (Civ-II) dated 24th November, 1967 regarding terms and conditions of service of casual non-industrial employees:-

- (a) In the penultimate sentences of para 2, delete the words
"grant of quasi-permanent status"
- (b) At the end of second sentence of para 2 add
"excepting seniority, probationary period grant of quasi-permanency status which aspects will be regularised under the order issued from time to time in respect of persons appointed on regular basis. Service rendered on casual basis prior to appointment on regular basis shall not count for seniority. "

12. The contention of the learned counsel for the applicants is that the applicants who were appointed on casual basis initially and later on absorbed on permanent basis are placed as juniors to persons who are appointed



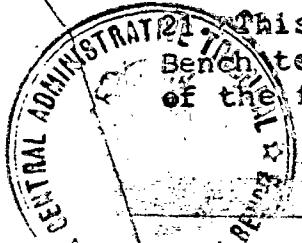
on regular basis after the date of the original appointment of the applicants. It is contended that in a decision by High Court of Andhra Pradesh and different Benches of the Central Administrative Tribunal, it has been held that the persons' previous casual service with technical breaks rendered should be taken into consideration, by ignoring the artificial or technical breaks in their service. Thereafter, a Full Bench was also constituted.

The judgment of the Full Bench (Full Bench Judgments IV & V Bahri Brothers page 375) was delivered on 29-11-90 and the operative portion of the judgment is as follows :

" 20. We, therefore, answer the reference to the Full Bench as follows:-

- (i) The benefit of seniority to casual employees who were regularised in accordance with the Ministry of Defence letter dated 24-11-1967, can be given from the date of initial appointment on a casual basis, if the breaks in service are condoned, irrespective of the availability of a regular vacancy. The corrigendum issued on 27-5-1980 will not apply to regularisation from dates prior to the dates of the issue, as in the present case.
- (ii) The judgment of the New Bombay Bench dated 24/25-8-1989 in O.A. Nos. 516 and 732 of 1988, is distinguishable as the applicants in those cases were absorbed after the issue of the corrigendum dated 27.5.1980. In view of this, we see no conflict between the judgments delivered by the various Benches of the Tribunal.
- (iii) The applicants before us as well as those before the other Benches of the Tribunal similarly situated are borne on All India seniority list. The judgment of the New Bombay Bench results in determination of the seniority of such persons who were before that Bench in a different manner. We leave open the question whether such determination is legally sustainable, as the same is not germane to the issue for our consideration.

This order may be placed before the same Division Bench to dispose of the applications in the light of the foregoing answers.



13. The New Bombay Bench in OA 516 and 732 of 1988 decided the similar matter while sitting at Goa in the Circuit Sitting by its judgment dated 25-8-1989. The operative portion of that judgment is quoted below :-

- "(i) Respondents shall give all benefits due to the applicants in both the cases as per the Ministry of Defence letter No. 83482/EC-4/Org.4(Civ)(d)/13754/D(Civ-II) dated 24.11.1967 as amended by corrigendum No. 13051/OS-SC(ii)/2968/D(Civ-II) dated 27.5.1980, from the dates on which the applicants were initially appointed on casual basis, by ignoring the artificial or technical breaks in their services,
- (ii) Respondents shall fix the seniority of the applicants in their respective grade from the dates on which they are absorbed against regular vacancies.
- (iii) Respondent no.4 shall give benefit of this order to other employees working in the establishments under him and who are similarly placed like the applicants before us.
- (iv) Respondents shall implement the above directions within six months from the date of receipt of a copy of this order.
- (iv) Both the applications are disposed of on the above lines, with no order as to costs."

14. The judgment of New Bombay Bench has also been considered by the Full Bench referred to above in its judgment dated 29-11-90 and distinguished the judgment as the applicants in these cases were absorbed after the issue of the corrigendum dated 27-5-1980. It was held that there was no conflict between the judgments delivered by the various other Benches of the Central Administrative Tribunal as well as the New Bombay Bench.

15. In the above conspectus of facts and circumstances, we have to go through the relevant law on the point. The

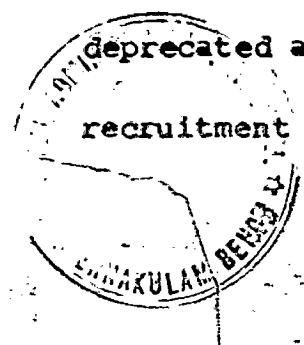
main claim of the applicants in all the original applications as well as the issue framed in reference is whether the seniority can be given to a casual employee from the date of his initial appointment if such a casual employee later on is made regular by condoning the breaks in service on the availability of regular vacancy with reference to those who have been regularised after 27-5-1980. Normally, seniority is reckoned by the length in service put by an incumbent in the particular cadre or grade. There are different modes by which seniority can be judged which can be effected by recruitment rules or by administrative instructions so long they are not arbitrary, unjust and opposed to equality clause. Neither of the parties before us either in the pleadings as annexures or during the hearing of the cases filed the relevant recruitment rules pertaining to the entry to the service of the various discipline though it has come in the earlier Full Bench case that the seniority is maintained on All India basis and the matter of individuals determination of seniority was kept open because all those likely to be effected were not before the Bench who only confined the judgment to the reply to the Reference. In such a situation, it is evident that there exists rules of Recruitment for regular appointment. It also, therefore, as a corollary follows that the applicants were not appointed as per the prescribed mode of regular

appointments. In order to meet the exigencies of the service and job requirement, there are administrative instructions to give casual employments and the respondents have enclosed with the reply to the original application annexure I to Navy Instruction No.1/S of 1963. This is regarding certain financial powers and authority to sanction temporary establishments in cases of the fixed scales industrial and non-industrial. The monetary limit and the limit for the period has also been given but once these casual employees are taken on the rolls and for reasons of the exigency of the service or otherwise, they continued without break or with artificial break. They have claimed for ultimate absorption in service. The Ministry of Defence, therefore, considering such cases issued the O.M. dated 24-11-1967 and these casual employees were given certain status in equivalence of pay and other benefits like regular employees but there was no mention of the benefit of seniority in that grade or cadre. This matter was, therefore, judicially reviewed in various decisions and ultimately it has become the settled law that till the issue of corrigendum dated 27-5-1980 (which for the first time expressly mentioned that the seniority benefit shall not be made available to casual employees of such period of casual employment) the benefit of casual service before regularisation shall be given in counting the seniority. The Full Bench, however, did not confer any seniority and left it to be considered ~~in respect of various original~~

applications, separately.

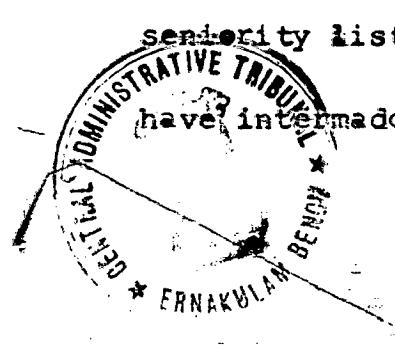
16. The Hon'ble Supreme Court has considered in the case of Delhi Development Horticulture Employees' Union v. Delhi Administration, Delhi, and Others (AIR 1992 SC 789) whether right to work and livelihood is a fundamental right and ultimately held that the right to work and livelihood is placed in Chapter IV under Article 41 of the Constitution of India and is qualified by the expression : "within the limits of economic capacity and development". While disposing of this case, the Hon'ble Supreme Court observed that the employment is given by the administrative authorities firstly for temporary periods with technical breaks to circumvent the relevant rules, and is continued for 240 days with a view to give benefits of regularisation knowing the judicial trend with those who have completed 240 or more days are directed to be automatically regularised. A good deal of employment market has developed resulting in a new source of corruption and frustration of those who are waiting at the employment exchanges for years. Again, in a recent decision of Dr. M.A.Haque v. Union of India 1993 (24) ATC p.117, the Hon'ble Supreme Court held that regular appointments made in disregard of rules under Article 309 and bypassing UPSC should be

deprecated as it will open a back door for illegal recruitment without limit. It is also observed in para

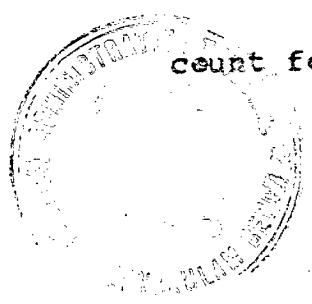


9 of the reports at page 122: " It appears that since this Court has in some cases permitted regularisation of the irregularly recruited employees, some Governments and authorities have been increasingly resorting to irregular recruitments. The result has been that the recruitment rules have been kept in cold storage and candidates dictated by various considerations are being recruited as a matter of course". It is, therefore, evident that a regular appointee can in no way be equated with an ad hoc or casual appointee who only serves during a stop-gap arrangement till the regular incumbent appointed by observing the process of recruitment joins and replaces him. However, in the exigency of service or for any other considerations, irregular appointment continued by giving artificial breaks and the Court has to take notice of the fact that these appointments cannot for all purposes be deemed to be regular appointments. Regular appointees are a class by itself while those who are working casually though have been given the same benefits of service as regular appointees on the application of principles of 'equal pay for equal work', cannot claim the benefit of the service rendered on casual basis. If this perception is accepted, then irregular appointments de hōrse the rules or the administrative instructions would be almost equal to

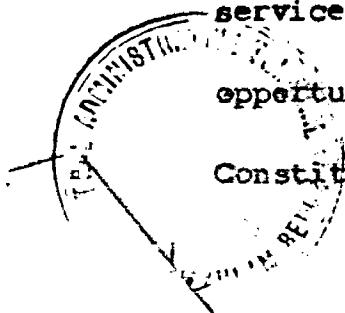
regular appointments according to rules or administrative instructions. That would not only be unjust but unfair and inequitable. The learned counsel for the applicants has referred to the case of G.P. Deval and others v. Chief Secretary, Govt. of U.P. and others reported in AIR 1984 SC p.1527. This was the case of seniority of the Khandsari Inspectors which ~~post~~ was initially designated as Licencing Inspectors and subsequently absorbed as Khandsari Inspector after the approval of the U.P.P.S.C. There was no binding rule of seniority and it was held in that case that length of continuous officiation prescribes a followed principle of seniority. The Hon'ble Supreme Court held that where officiating appointment is followed by confirmation, unless a contrary rule is shown, the service rendered as officiating appointment cannot be ignored for reckoning length of continuous officiation for determining the place in the seniority list. The case of G.P. Deval cannot be of any assistance to the applicants as those Khandsari Inspectors though earlier designated as Licencing Inspectors were duly appointed on the newly created posts. Here, in the case of the applicants though their casual appointment was extended from time to time with artificial breaks, still there was regular appointment going on in the service which has All India service liability with All India seniority list and as such, the another class of persons have intermaddled during this course of their casual



employment. It was only by the Government, Ministry of Defence order of 24-11-1967 that they were given certain benefits available to regular appointees but there was a latent ambiguity in that order with respect to giving of seniority which has been clarified by the Full Bench by its order dated 29-11-1990. The Full Bench, however, did not find fault with the corrigendum of 27-5-80 and also that the judgment of the New Bombay Bench wherein the relief of grant of benefit in the counting of seniority of the service rendered on casual basis was disallowed. In the case of the applicants who have been regularised after 27-5-1980, there is an office instruction which has modified the scheme of regularisation undertaken by the C.M. of 24-11-1967. This classification to the original scheme shall be available from the date of the issue of the order, i.e., 27-5-1980 and that has also been held by the earlier Full Bench in its order dated 29-11-1990. The applicants in these applications have not challenged the virus of corrigendum dated 27-5-1980. Thus, the case of G.P. Deval cannot be applied to the case of the applicants inasmuch as in the present case there is a definite administrative instruction for counting of seniority of those casual employees who are subsequently regularised and the date from which they became the member of the service shall count for their seniority in the cadre/grade.



17. The other case cited by the learned counsel for the applicants is Delhi Water Supply and Sewage Disposal Committee and Others v. R.K. Kashyap and others - AIR 1989 SC p.278. The Hon'ble Supreme Court in this case considering the nature of the employment of Executive Engineers in the Delhi Water Supply and Sewage Disposal Undertaking held that ad hoc appointments followed by regularisation of service will count for determining seniority in the absence of any specific rule to the contrary. Thus, this authority also cannot be applied to the case of the applicants. As said earlier, there is a definite administrative instruction for determining the seniority as laid down in the corrigendum dated 27-5-1980. Further, in this case also, it has been held that if ad hoc appointments or temporary appointments are made without considering the claims of seniors in the cadre, the service rendered in such appointment should not be counted for seniority in the cadre. It is further observed that the length of service in ad hoc appointment or stop-gap arrangement made in the exigencies of the service without considering the claims of all the eligible and suitable persons in the cadre ought not to be reckoned for the purpose of determining the seniority in the promotional cadre. To give the benefit to such service to a favoured few would be contrary to equality of opportunity enshrined in Article 14 and 16 of the Constitution. In the case of the petitioners before us,



the regular appointments were not stopped and none of the regular appointees during the period from the date of initial appointment of the applicants on casual basis to the date of their regularisation in service, has been impleaded to safeguard their interest. Naturally, who have come regularly should not be deprived of their benefit. The applicants while working on casual basis had an equal opportunity to come by way of regular appointment on a regular basis in the service.

18. The learned counsel for the applicants has also referred to the case of D.S.Nakara v. Union of India reported in AIR 1983 SC p.130. The Hon'ble Supreme Court while interpreting Article 14 of the Constitution of India laid down that class legislation is forbidden, it permits reasonable classification and that classification must satisfy the twin tests of classification being founded on an intelligent differentia which distinguishes persons or things that are grouped together from those left out of the group and the differentia must have a rational nexus to the object sought to be achieved by the classification. In the present case, however, those who have come directly to the service and were regularly appointed forms a class by themselves than those who are given irregular appointments on casual basis and continued for number of years with artificial breaks were subsequently under the O.M. 24-11-1967

directed to be regularised for getting all benefits of regular appointees form a different class. Both these classes cannot be equated but since the incumbents falling in both the classes discharge same and similar functions, they are entitled to and have been rightly granted emoluments and service benefits. Since this O.M. of 24-5-1967 was silent on seniority, this latent ambiguity has been judicially interpreted to give the benefit of giving seniority to these persons regularised before 27-5-80. However, by the corrigendum of 27-5-1980, the latent ambiguity has been cleared by the administration itself, and as such, the applicants cannot aspire for claiming the seniority with the regular appointees for the reason that they belong to different class and for the reasons to be given hereinafter in the judgment.

19. The learned counsel for the applicants also referred to the case of P.D. Aggarwal and others v. State of U.P. reported in AIR 1987 SC p.1676. The learned counsel pointed out the observations in para 19 of the report at page 1686 where the Hon'ble Supreme Court held that administrative order of instruction cannot amend or supersede the statutory rules. By this, the learned counsel wants to enforce the arguments that the corrigendum dated 27-5-1980 in fact is an amendment issued of the earlier O.M. dated 24-11-1967. However, it is not so. The point of seniority remained unaffected

in para 2 of the O.M. of 1967 and that has been cleared because in the earlier O.M., "etc. etc." was used. However, this corrigendum shall be applicable from the date of issue, i.e., 27-5-1980 and this has also been observed in the earlier Full Bench in its order dated 29.11.1990.

20. We have also considered the impact of the judgment of the Constitutional Bench in the case of Direct Recruit Class II Engineering Officers' Association v. State of Maharashtra and Others reported in 1990 Vol.13 ATC p.348. The Hon'ble Supreme Court has considered almost all its earlier decisions on the point of seniority including the case of Delhi Water Supply and Sewage Disposal Committee (supra). The conclusions have been summed up in para 47 and the relevant clause (A) and (B) are reproduced below :

" (A) Once an incumbent is appointed to a post according to rule, his seniority has to be counted from the date of his appointment and not according to the date of his confirmation.

The corollary of the above rule is that where the initial appointment is only ad hoc and not according to rules and made as a stop-gap arrangement, the officiation in such post cannot be taken into account for considering the seniority.

(B) If the initial appointment is not made by following the procedure laid down by the rules but the appointee continues in the post uninterruptedly till the regularisation of his service in accordance with the rules, the period of officiating service will be counted. "

21. The interpretation of clause (A) and (B) has also

been done by Hon'ble Supreme Court in the case of state of
West Bengal and Others v. Aghore Nath Dey (SC) and Others
reported in 1993 ATC (24) p.932, in the Three-Judges Bench
in its decision dated April 2, 1993 and in para 22, their
Lordship has held as follows :

"22. There can be no doubt that these two conclusions have to be read harmoniously, and conclusion (B) cannot cover cases which are expressly excluded by conclusion (A). We may, therefore, first refer to conclusion (A). It is clear from conclusion (A) that to enable seniority to be counted from the date of initial appointment and not according to the date of confirmation, the incumbent of the post has to be initially appointed 'according to rules'. The corollary set out in conclusion (A), then is, that 'where the initial appointment is only ad hoc and not according to rules and made as a stopgap arrangement, the officiation in such posts cannot be taken into account for considering the seniority'. Thus, the corollary in conclusion (A) expressly excludes the category of cases where the initial appointment is only ad hoc and not according to rules, being made only as a stopgap arrangement. The case of the writ petitioners squarely falls within this corollary in conclusion (A), which says that the officiation in such posts cannot be taken into account for counting the seniority. "

Further, in para 25 of the reports, the further interpretation has been given as

"25. In our opinion, the conclusion (B) was added to cover a different kind of situation, wherein the appointments are otherwise regular, except for the deficiency of certain procedural requirements laid down by the rules. This is clear from the opening words of the conclusion (B), namely, "if the initial appointment is not made by following the procedure laid down by the 'rules' and the latter expression 'till the regularisation of his service in accordance with the rules'. We read conclusion (B), and it must be so read to reconcile with conclusion (A), to cover the cases where the initial appointment is made against an existing vacancy, not limited to a fixed period of time or purpose by the appointment order itself, and is made subject to the deficiency in the procedural requirements prescribed by the rules for adjudging suitability of the appointee for the post being cured at the time of regularisation, the appointee being eligible and qualified in every manner for a regular appointment on the date of initial appointment in such cases. Decision about the nature

of the appointment, for determining whether it falls in this category, has to be made on the basis of the terms of the initial appointment itself and the provisions in the rules. In such cases, the deficiency in the procedural requirements laid down by the rules has to be cured at the first available opportunity, without any default of the employee, and the appointee must continue in the post uninterruptedly till the regularisation of his service, in accordance with the rules. In such cases, the appointee is not to blame for the deficiency in the procedural requirements under the rules at the time of his initial appointment, and the appointment not being limited to a fixed period of time is intended to be a regular appointment, subject to the remaining procedural requirements of the rules being fulfilled at the earliest. In such cases also, if there be any delay in curing the defects on account of any fault of the appointee, the appointee would not get the full benefit of the earlier period on account of his default, the benefit being confined only to the period for which he is not to blame. This category of cases is different from those covered by the corollary in conclusion (A) which relates to appointment only on ad hoc basis as a stopgap arrangement and not according to rules. It is, therefore, not correct to say, that the present cases can fall within the ambit of conclusion (B), even though they are squarely covered by the corollary in conclusion (A). "

22. A similar point came before the Hon'ble Supreme Court where the case was not covered by any of the classes (A) and (B) of the Direct Recruit, ^{Class I} ~~Class II~~ Engineering Officers' Association case and in the case of M.A.Haque (supra). The Hon'ble Supreme Court considered this matter and observed while considering a direction given in the case of Dr. A.K. Jain v. Union of India 1987 Suppl. SCC p.497 that A.K.Jain and others were not appointed according to the rules and they do not come within the scope of guideline (A) laid down in Direct Recruit Class II Engineering Officers' Association case. In fact, they do not fall under guideline (B) either since their

regularisation is not in accordance with the rules but as a consequential of special procedure laid down by this court. The expression 'in accordance with the rules' or 'according to rules' used in the said guidelines (A) and (B) means the rules of recruitment and not the special procedure laid down by this court. The petitioner Dr. Haque was one of the medical officers who was recruited in the railways on ad hoc basis between 1968 and October 1, 1984. It was directed in Dr. A.K.Jain's case (supra) that the services of such ad hoc doctors shall be regularised through the I.U.P.S.C. The Hon'ble Supreme Court ultimately directed that the seniority of the direct recruits both outsider and insider should be determined according to the dates of their regular appointments through the UPSC and the petitioners-applicants should be placed in the seniority list after those direct recruits who are regularly recruited till this date. The case of the applicants, therefore, is fully covered by the above decision of the Hon'ble Supreme Court inasmuch as they could get seniority from the date of absorption in the service and not earlier to that by virtue of corrigendum of 27-5-1980.

23. Again, in a recent decision of S.K.Saha v. Prem Prakash Aggarwal and Others, Three-Judges Bench of Hon'ble Supreme Court by its decision dated 23-11-1990 reported in 1994 (26) ATC p.607, held that service rendered prior

to regular appointment could not count for seniority. Though, in fact, the point considered was an officiation on a post when it was non-gazetted post which subsequently became gazetted and it was held that the earlier period cannot be counted as continuous officiation on the post. Petitioner of that case was appointed to that post on the recommendations of the Commission and the date of appointment could not have been ante-dated and made to be effected sometimes with effect from 1957 when the petitioner officiated, while the recommendations of the Commission were of May 12, 1960.

24. The point was also indirectly considered by the Hon'ble Supreme Court in the case of A.N. Sehgal and Others v. Raje Ram Sheoran and Others reported in 1993 (24) ATC p.1559. The Hon'ble Supreme Court while considering the rules of Haryana Service of Engineers, Class I, PWD (Roads and Buildings Branch) Rules, 1960, held that it is necessary to claim the benefit of continuous officiation that one must have attained membership of the service. Unless a person is appointed substantively to his cadre post, service prior to membership would be treated as fortuitous only which could not be counted for seniority. It is further laid down that the service rules should be strictly implemented and wanton or deliberate deviation in implementation should be curbed and snubbed. In the cases in hand, primarily the issue is whether the casual service rendered by an incumbent

without undergoing pre-appointment tests necessary for regular appointments can be counted as a service for the purpose of seniority. It is not the case of the applicants that their initial appointment was regular. The applicants also at no point of time before the regularisation of their service approached for a judicial review for a declaration that for all purposes, they have become regular employees of the respondents. When the respondents have formed a policy to regularise the irregular appointees by the O.M. of 24-11-1967, some of the cases cropped up before various judicial forum and the decisions were given in these cases. During this period, a corrigendum has also been issued on 27-5-1980. It may be recalled that these applications have been filed in 1991. The corrigendum only clarifies the impact and implementation of the scheme of regularisation envisaged in the O.M. of 24-11-1967. During this period, from their initial appointment of some of the applicants to the date of filing this application or to the date of their regular appointments, many persons have been recruited according to the rules in the regular stream of the service and none of them has been made a party to safeguard their interest. The virus of corrigendum of 27-5-1980 has not been challenged. The learned counsel for the respondents has also referred to the authority of the case of State of Tamil Nadu and Another, appellants v. E. Paripurnam and Others, respondents reported in

AIR 1982 SC p.1823, where the Hon'ble Supreme Court held that where appointment was made temporarily of certain Junior Professors by Government and thereafter selection of these candidates along with others by PSC for regular appointment and the services were thereafter regularised, this temporary service rendered by such candidates cannot be counted for determining seniority. The learned counsel for the respondents emphasised that the relief granted by the Madras High Court has been reversed by the Hon'ble Supreme Court on the ground that the respondents were appointed temporarily and otherwise in accordance with the rules. They were later selected along with others for direct recruitment by the PSC. They were not entitled to count their temporary service for seniority. Though facts of this case are not in parimateria with the cases in hand but the principle of law is there that if there are two classes by itself as one of the classes comes through proper channel envisaged in the recruitment rules will have a claim for seniority than the other class of irregular appointees which are regularised on the basis of administrative instruction. The counsel for the applicants also placed reliance on the case of Excise Commissioner, Karnataka and Others, appellants v. V. Shrikanta. This case goes against the applicants themselves. The respondent V. Shrikanta was appointed as an Inspector of Excise on January 17, 1968 along with 37 other persons. It has been indicated in the

said letter that appointment is purely temporary and services are liable to be terminated at any time without notice. Their services were regularised sometimes in 1971. The respondent V. Shrikanta got the relief by the Division Bench of the Karnataka High Court which was earlier disallowed by the Hon'ble Single Judge of the Karnataka High Court. The Hon'ble Supreme Court affirmed the decision of the learned Single Judge of the Karnataka High Court holding that the respondent Shri V. Shrikanta was not entitled to claim seniority from the date of his initial appointment on ad hoc basis but he was only entitled to claim seniority from the date of his subsequent appointment on regularisation under the special rules of recruitment in 1970. Coming to the cases in hand, the applicants were given only casual employment in an irregular manner but under a policy, they were subsequently absorbed. The date of absorption in service as laid down in the corrigendum dated 27-5-1980, therefore, is relevant to give benefit of seniority from the date of absorption or regularisation in service.

25. In the light of the discussions aforesaid, we hold that casual service rendered prior to 27-5-80 will not count for seniority for those casual employees who were regularised after 27-5-80, irrespective of whether intermittent breaks of casual service were condoned or not. We answer the reference accordingly. It follows

that the applications have to be dismissed and they are accordingly dismissed. Parties will suffer their costs.

Dated, this the 1st day of July, 1994.

sd/-
P. V. VENKATAKRISHNAN
MEMBER (A)

sd/-
J. P. SHARMA
MEMBER (J)

sd/-
CHETTUR SANKARAN NAIR (J)
VICE-CHAIRMAN.



CERTIFIED TRUE COPY
Date ...12...7...94.....

Moray
Deputy Registrar

R
125

Enclosure : List of Annexures

ERNAKULAM BENCH

CPC 179/93 in O.A.572/91 &
CPC 186/93 in O.A.383/91

Monday this the 3rd day of January, 1994.

In CPC 179/93 in O.A.572/91

1. V.P.Sobha, Progress Recorder, Naval Aircraft yard, Naval Base, Cochin-4.
2. Davis Varkey, Progress Recorder, Naval Aircraft Yard, Cochin-4.
3. M.M.Alameu, Progress Recorder, naval Aircraft Yard, Cochin-4.
4. E.J.Saramma, Progress Recorder, Naval Aircraft Yard, Cochin-4.
5. Jayanthi Shanker, Asstt.Librarian, Naval Aircraft Yard, Cochin-4.
6. Sreekala M.S.,Assistant Librarian, Naval Aircraft Yard, Cochin-4.
7. A.E.Constant, Draughtsman, Naval Aircraft yard, Cochin-4.
8. V.K.Sivakumar, Tracer, Naval Aircraft yard, Cochin-4.
9. V.Kuttan, Peon, I.N.S.Garuda, Naval Base, Cochin-4.
10. A.C.Jose, Copycat Operator, Naval Aircraft Yard, Cochin-4.
11. P.C.Valsa, Stenographer, I.N.S Garuda, Naval Base, Cochin-4.
12. K.S.Babu, Stenographer, Headquarters, Southern naval command, Cochin-4.
13. K.N.Ambika Kumari, Stenographer, Headquarters, Southern Naval Command, Cochin-4.
14. M.J.Viswaswari, Steno, I.N.S Garuda, Naval Base,Cochin-4.
15. R.Nagammal, Steno, Naval Aircraft Yard, Cochin-4.
16. Mary John, Steno, Naval Aircraft yard, Cochin-4.
17. Ammini Kuruakose, Steno, I.N.S.Garuda, Naval Base, Cochin-4.
18. M.Chandramathi, U.D.C,I.N.S.Venduruthy, Naval Base, Cochin-4.
19. Molly Varghese, U.D.C. Naval Aircraft Yard, Cochin-4.
20. Ravikumar, Draughtsman, I.N.S. Venduruthy, Naval Base, Cochin-4.
21. Ramadevi K.D., Tracer, I.N.S.Venduruthy, Naval Base, Cochin-4.

22. K.G.Ushakumari, Steno, Naval Air Technical School, Naval Base, Cochin-4.

23. Luciamma Joseph, U.D.C
Headquarters,
Southern Naval Command,
Naval Base, Cochin-4.

24. Margret Celine, L.D.C., I.N.S.Venduruthy,
Naval Base, Cochin-4.

25. V.V.Eliyamma, L.D.C., I.N.S.Venduruthy,
Naval Base, Cochin-4.

26. Lilly David, L.D.C.I.N.S Garuda,
Naval Base, Cochin-4.

27. N.K.Baiju, Draughtsman, A.S.W.School,
I.N.S.Venduruthy, Naval Base, Cochin-4.

28. K.K.Vijayamma, Draughtsman, I.N.S.Venduruthy,
Naval Base, Cochin-4.

29. C.G.Shylaja, L.D.C., Naval Aircraft Yard,
Cochin-4.

30. K.C.Jessily, L.D.C., I.N.S.Garuda,
Naval Base, Cochin-4.

31. Reshma.N.Menon, L.D.C., Station Health Organisation
Naval Base, Cochin-4.

32. Latha Unnikrishnan, L.D.C., I.N.S.Venduruthy,
Naval Base, Cochin-4.

33. O.V.Sukumari, L.D.C., I.N.S.Venduruthy,
Naval Base, Cochin-4.

34. K.P.Lalitha, Junior Scientific Assistant,
I.N.S.Venduruthy, Naval base, Cochin-4. .. Petitioner

By Advocate Shri V.V.Nandagopal

vs.

Mr.Indrajith Bedi, Flag Officer,
Commanding in Chief, Southern Naval Command,
Naval Base, Cochin-4. ..Respondent
By Advocate Mr.Unnikrishnan rep. SCGSC
In CPC 186/93 in O.A.383/91

1. T.K.Ramavathy, L.D.Clerk, Naval Aircraft Yard,
Cochin-4.
2. C.C.Vincenssia, L.D.Clerk, Head Quarters Southern Naval Command,
Cochin-4.
3. P.N.Bharathan, L.D.Clerk, Signal School,
I.N.S.Venduruthy, Naval Base, Kochi-4.
4. M.M.Bhaskara Kurup, L.D.Clerk, Headquarters,
Southern Naval Command, Naval Base, Kochi-4.
5. K.Bhasi, L.D.Clerk, Head quarters, Southern Naval Command,
Kochi-4.
6. T.V.Joseph Michael, L.D.Clerk, Head Quarters, Southern Naval
Command, Kochi-4.
7. P.Savithri, L.D.Clerk, I.N.S.Venduruthy, Naval Base, Cochin-4.

8. P.Chandrasekharan, L.D.Clerk, Headquarters, Southern Naval Command, Kochi-4.
9. K.Geetha, L.D.Clerk, Head Quarters Southern Naval Command, Kochi-4.
10. K.Rugmani, L.D.Clerk, Head Quarters Southern Naval Command, Cochin-4.
11. C.P.Bhargavi, L.D.Clerk, I.N.S.Garuda, Naval Base, Kochi-4.
12. G.Prasannakumari, L.D.Clerk, Head Quarters, Southern Naval Command,Cochin-4.
13. K.N.Komala, L.D Clerk, I.N.S.Garuda, Naval Base, Kochi.
14. Sarala V.Pillai, L.D.Clerk, Headquarters Southern naval Command, Kochi-4.
15. Priyamvadha A.S., L.D.Clerk, Headquarters, Southern Naval Command, Cochin-4.
16. M.Annamma , L.D.Clerk, Headquarters, Southern Naval Command, Cochin-4.
17. K.A.Sudarshnan, L.D.Clerk,Naval Air Craft Yard, Cochin-4.
18. S.Girija, L.D.Clerk, Naval Air Craft yard, Cochin-4.
19. S.Kamalakshi Ammal, L.D.Clerk, Naval Aircraft Yard, Cochin-4.
20. V.Usha, L.D.Clerk, Naval Air Craftyard, Kochi-4.
21. K.Vijayamma, L.D.Clerk, Naval Air craft yard, Cochin-4.
22. Santha Gopinath, L.D.Clerk, I.N.S.Venduruthy, Cochin-4.
23. Leenet Joseph, L.D.Clerk, I.N.S.Venduruthy, Cochin-4.
24. Leela Thomas, L.D.Clerk, I.N.S.Venduruthy, Cochin-4.
25. K.M.Maria Jasinta, L.D.Clerk, Signal School, I.N.S.Venduruthy, Cochin-4.
26. Radhamani .K. L.D.Clerk, Head Quarters Southern naval Command, Cochin-4.
27. A.Sobhana, L.D.Clerk, Naval Aircraft Yard, Kochi-4.
28. Alphonsa Joseph, L.D.Clerk, Naval Aircraft Yard, Cochin-4.
29. P.T.N.Shajeevan, L.D.Clerk, Naval Aircraft yard, Cochin-4.
30. Chandrakumari B. L.D.Clerk, I.N.S.Garuda, Cochin-4.

31. K.Santha, L.D.Clerk,E.F.N.A., I.N.S.Garuda, Cochin-4.
32. P.P.Prasannakumari, L.D.Clerk, Naval Aircraft Yard, Kochi-4.
33. P.R.Parameswaran, L.D.Clerk, Head Quarters Southern Naval Command, Kochi-.
34. Pankajavally, L.D.Clerk, I.N.S.Venduruthy, Cochin-4.
35. Janaki Subramanian, L.D.Clerk, Head Quarters Southern Naval Command, Cochin-4.
36. S.Sreelatha, L.D.Clerk, Headquarters, Southern Naval Command, Cochin-4.
37. T.G.Theresa Jackaline, L.D.Clerk, Signal School, I.N.S.Venduruthy, Kochi-4.
38. M.K.Ammi, L.D.Clerk, I.N.S.Venduruthy, Cochin-4.
39. K.K.Purushothaman, L.D.Clerk, Head Quarters Southern Naval Command, Kochi-4.
40. M.P.Sasidharan, L.D.Clerk, Head Quarters Southern Naval Command, Kochi-4.
41. M.J.Martha, L.D.Clerk, Head Quarters, Southern Naval Command, Kochi-4.
42. S.Valsalakumari, L.D.Clerk, Head Quarters, Southern Naval Command, Kochi-4.
43. Jacob George, L.D.Clerk, I.N Distributing Authority, Kochi-4.
44. T.A.Francis, L.D.Clerk, Head quarters, Southern Naval Command, Cochin-4.
45. C.B.Sobhana, L.D.Clerk, Head Quarters Southern Naval Command, Cochin-4.
46. Maria D'Souzha, L.D.Clerk, Head Quarters, Southern Naval Command, Cochin-4.
47. V.Usha, L.D.Clerk, IN Distributing Authority, Kochi-4.
48. Kusumam Varghese, L.D.Clerk, Head Quarters Southern Naval Command, Cochin-4.
49. K.K.Seethamoni, L.D.Clerk, Head Quarters Southern Naval Command, Kochi-4.
50. Mohandas T.V.L.D.Clerk, Head Quarters Southern Naval Command, Kochi-4.
51. Vanaja Sundheer, L.D.Clerk, I.N.S.Venduruthy, cochin-4.

52. T.S.Suma, L.D.Clerk Naval Aircraft Yard, Cochin-4.
53. T.R.Omana, L.D.Clerk, Naval Aircraft Yard, Cochin-4.
54. L.Ramadevi, L.D.Clerk, Naval Aircraft Yard, cochin-4.
55. G.Vijayalakshmiammal , L.D.Clerk, Naval aircraft Yard, Cochin-4.
56. N.Giriya, L.D.Clerk, I.N.S.Garuda, Naval base, Cochin-4.
57. K.Muktha Bai, L.D.Clerk, I.N.S.Garuda, Naval base, Cochin-4.
58. C.R.Sajive Babu, L.D.Clerk, Naval Base Depot, Cochin-4.
59. M.A.Joseph Roy, L.D.Clerk, Naval Store Depot, Kochi-4.
60. Syamadas K. L.D.Clerk, INS Garuda, Kochi-4.
61. M.C.Venugopalan, L.D.Clerk, I.N.S.Garuda, Kochi-4.
62. K.Raveendran,L.D.Clerk, Head Quarters, Southern Naval Command, Kochi-4.
63. K.Raghunathan Pillai, L.D.Clerk, Head Quarters Southern Naval Command, Kochi-4.
64. P.R.Jayachandran, L.D.Clerk, Base Logistic Office, Kochi-4.
65. N.Snatha, L.D.Clerk, Head Quarters Southern Naval Command, Cochin-14.
66. P.I.Chechamma, L.D.Clerk, Base Logistic Office, Naval Base, Cochin-4.
67. A.K.Gopi, L.D.Clerk, Head Quarters Southern Naval Base, Cochin-4.
68. Omana Antony, L.D.Clerk, I.N.S Venduruthy, Cochin-4.
69. K.R.Appu, L.D.Clerk, Headquarters, Southern Naval Command, Cochin-4.
70. Jacob Antony, L.D.Clerk, I.N.S.Venduruthy, Cochin-4.
71. K.S.Indira, L.D.Clerk, INS Venduruthy, Cochin-4.
72. N.N.Sathiabhama, L.D Clerk, I.N.S.Venduruthy, Cochin-4.
73. M.K.Sreerekha, L.D.Clerk, INS venduruthy, Naval base, Cochin-4.

.6.

74. T.J.Alice, L.D.Clerk, I.N.S Venduruthy, Naval Base,Cochin-4.
75. P.G.Elizabeth, L.D.Clerk, Naval Aircraft Yard, Cochin-4.
..Petitioners

By Advocate Shri V.V.Nandagopal

vs.

Mr.Indrajith Bedi, Flag Officer Commanding-in-Chief,
Southern Naval Command, Naval Base,Cochin-4. .. Respondents

By Advocate Shri T.P.M.Ibrahim Khan

CORAM:

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

ORDER

CHETTUR SANKARAN NAIR(J),VICE CHAIRMAN:

Petitioners submit that they do not wish to persue the Contempt Petitions at present. According to them the final shape of things will be clear only after the Full Bench decides O.A.572/91 and O.A 383/91. They submit that they may be granted freedom to take appropriate action after the aforesaid cases are decided, should occasion arise. Reserving freedom to do so, the petitions are dismissed. No costs.

Dated the 3rd of January ,1994.

sd/-

P.V.VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

sd/-

CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

njj/4.1.



CERTIFIED TRUE COPY

Date 10.1.94

Deputy Registrar

R. V. V. D.