

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.390/04

Wednesday this the 7th day of July 2004

C O R A M :

HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

1. O.R.Thanka
Conservancy Mukadam,
W/o.Mohan Lal,
Lal Nivas, House No.19/290 A,
P.D.Road, Palluruthy.
2. M.K.Omana,
W/o.Mohan Das,
Conservancy Mukadam,
Revathi House,
Thevara Ferry,
Thevara, Kochi.
3. M.A.Rajamma,
W/o.K.Ayyappan,
Conservancy Mukadam,
Manthura Naduparambu House,
No.9/1175, Mattanchery,
Kochi - 2.
4. Leelamma Joseph,
W/o.Joseph,
Conservancy Mukadam,
Kuttingal House,
Maraddu P.O.,
Near Ayininada.
5. K.C.Thanka,
W/o.Suresh,
Safaiwala,
Type IA No.12,
Thykooram, Vytila.
6. R. Ammini,
W/o.Viswanathan K.,
Safaiwala,
Kunnuthara,
Kodanthuruth,
Kuthiyathodu P.O.,
Alappuzha Dist.
7. K.Saraswathi Amma,
W/o.Damodaran Nair,
Safaiwala,
Thachayil House,
Vedarapla P.O.,
Charumood (Via),
Alleppey Dist. Kerala.

8. A.S.Leela,
W/o.Dinashan,
Safaiwala,
Koiyamaparambil House,
Kumbalangi P.O., Kochi - 7.
9. K.K.Devaky,
W/o.Kuttappan,
Safaiwala,
Dawson Vihar,
Thykooodam, Kochi.
10. N.K.Ambika,
W/o.P.C.Unni,
Safaiwala,
Thurutheth House,
U.C.College P.O.,
Alwaye - 2.
11. T.N.Mani,
W/o.V.D.Venugopalan,
Safaiwala,
Vellekhathu House,
Palluruthy, Kochi - 6.
12. P.M.Reetha,
W/o.Devassy Kutty,
Safaiwala,
Pollayil House,
Alangad P.O.,
Kottappuram, Alwaye.
13. A.P.Beerayumma,
W/o.Hamza,
Safaiwala,
Ambalath House,
Vadama P.O.,
Trichur Dist.
14. P.P.Mohanam,
S/o.P.K.Prabhakaran,
Safaiwala,
Panambukad,
Vallarpadam P.O.
15. T.Santha,
W/o.Ponnappan,
Safaiwala,
Santhi Bhavanam,
Eramalloor P.O.,
Cherthala, Alleppy.
16. P.S.Rebecca,
W/o.Philip K Daniel,
Safaiwala,
Azhanickal Santhosh Bhavan,
Desabhimani Road, Kaloor - 17.

17. T.Devayani,
W/o.T.Raman Nair,
Safaiwala,
Periyar Vihar,
Quarter No.92,
Ambalappady Quarters,
NAD P.O. Alwaye.
18. P.K.Mallika,
W/o.V.K.Vasu,
Safaiwala,
Kattaiattul House,
Chullickal, Kochi - 5.
19. N.G.Sushama,
W/o. late K.Haridasan Nair,
Mali, Poonithurattil House,
Perumpalam P.O. Alapuzha Dist.
20. N.G.Bhamini,
W/o.Hariharan,
Safaiwala,
Chemmalappadil House,
Udayamperoor P.O.,
Kandanad Kavala, Kochi.
21. K.S.Gracy,
W/o.K.I.Samuel,
Safaiwala,
Dawsan Vihar, I.C.17,
Thykkoodam - 19,
Vyttila.
22. T.K.Thankamma,
W/o.P.R.Thankachan,
Safaiwala,
Thittayil House,
Paigarappilly,
Thuruthikkara,
Mulanthuruthy.
23. A.N.Omana,
W/o.Lakshmanan,
Safaiwala,
Mattammal House,
Thevara, Kochi - 13.
24. B.Superabha,
W/o.K.K.Sasidharan,
Safaiwala,
Vembanathu Veedu,
Komalloor P.O.,
Karimulackal,
Alleppy Dist.
25. A.D.Sushama,
W/o.A.K.Damodharan,
Safaiwala,
Anjilivelili House,
Lakshmi Bhavan,
Nettoor P.O.,
Maradu (Via) Kochi - 682 304.

26. T.C.Neelakandan,
Conservancy Mukadam,
Thahthe Veedu,
P.O.Trikkalargodu,
Malappuram Dist.

27. E.Radha,
W/o. late K.Narayanan Nair
Peon,
Pinyar Vihar,
Ambalappady NAD, Alwaye.

28. K.Sarada,
W/o.Aravindakshan,
Safaiwala,
Mambiakulangara House,
Poothotta P.O.,
Udayamperoor.

29. N.S.Ammmini,
W/o.M.A.Sinkaran,
Safaiwala,
Chemmezhikattu Veli,
Udayamperoor P.O.,
Thripunithura.

30. K.Suseela,
W/o. late Sunny,
Safaiwala,
Thottumukku,
Kannukalivanam,
Vidura P.O.,
Thiruvananthapuram,
Nedumangad Via.

31. B.S.Thamarakshy,
W/o.K.Prasad,
Unskilled Labour,
Veppinvilakathu House,
Arumanoor, Poovar P.O.,
Thiruvananthapuram.

32. C.N.Valsalan,
Safaiwala,
Chungathu House,
Chalikkavattom,
Vennala P.O.,
Kochi - 28.

Applicants

(By Advocate Mr.V.V.Nandagopal Nambiar)

Versus

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

2. The Flag Officer Commanding in Chief,
Southern Naval Command, Naval Base,
Kochi - 4.

3. The Chief Staff Officer,
(Civilian Personal and Administration),
Southern Naval Command, Naval Base,
Kochi - 4. Respondents

(By Advocate Mr.C.Rajendran, SCGSC)

This application having been heard on 7th July 2004 the Tribunal on the same day delivered the following :

O R D E R (O R A L)

HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER

The applicants are class IV employees working in various establishments under the 2nd respondent. Their claim for grant of Assured Career Progression Scheme of Govt. of India was not considered by the respondents. Aggrieved by the inaction on the part of the respondents they have filed this O.A. seeking following reliefs :

1. to call for the records relating to Annexure a-1 and to quash the same.
2. to declare that the applicants are entitled to the benefit of the ACP Scheme of the Govt. of India on the basis of the date of initial entry which is already regularised and to direct to the respondents to immediately fix the pay of the applicants accordingly and to disburse the arrears if any with 18% penal interest.
3. to declare that the interpretation given to the term regular service by the respondents is illegal, arbitrary and violative of Articles 14, 16 and 21 of Constitution of India.

2. When the application came up for hearing Shri.V.V.Nandagopal Nambiar appeared for the applicants and Shri. C.Rajendran, SCGSC appeared for the respondents. Learned counsel for the respondents submitted that all applicants except applicant No.31 (B.S.Thamarakshy) are eligible for the benefit that is claimed in the O.A. and that the respondents are ready to grant the benefit within a time frame. Learned counsel for the applicants submitted that he would be satisfied if permission is given to the applicant No.31 also to make a detailed



representation before the concerned authority and a direction be given to consider the same. Learned counsel for the respondents also submitted that he has no objection if such a course of action is adopted.

3. In the light of what is stated above we direct the respondents to grant the benefit to the applicants except applicant No.31 within a time frame of three months on receipt of a copy of this order and pass appropriate order. With regard to applicant No.31 it is agreed that she makes a representation before the 2nd respondent about her claim separately within a time frame of two weeks from today and on receipt of such representation the 2nd respondent shall consider the said representation and dispose of the same within a time frame of three months from the date of receipt of a copy of this order. No costs.

(Dated the 7th day of July 2004)

H.P.DAS

ADMINISTRATIVE MEMBER

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K.V.SACHIDANANDAN
JUDICIAL MEMBER