

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No. 406 of 1995

Thursday this the 23rd day of March, 1995.

CORAM

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

1. E.J. Alexander, Fitter General Mechanic,  
Office of the Assistant Garrison Engineer,  
Electrical/Mechanical II, Military Engineer  
Service, Naval Base, Kochi-4.

2. V.G. Gopalan -do-

3. N.K. Purushan -do-

4. N. Jayadevan -do-

5. V.K. Divakaran -do-

6. K.I. Thomas -do-

7. B. Anirudhan -do-

8. K. Kuttappan -do-

9. Nanukuttan -do-

10. N.P. John -do-

11. T.S. Mamapal -do-

12. A. Krishnan Nair -do-

13. T.K. Viswambaran -do-

14. P.K. Balakrishnan Nair -do-

15. K. Viswanathan -do-

16. N. Sadasivan -do-

--Applicants

(By Advocate Mr. P.K. Madhusoodhanan)

Vs.

1. Union of India represented by  
Secretary, Ministry of Defence,  
New Delhi.

2. The Engineer-in-Chief,  
Army Headquarters, New Delhi.

3. The Chief Engineer,  
Southern Command, Military Engineer Services,  
Pune.

4. The Chief Engineer (Navy)  
Kochi Zone, Naval Base (PO)  
Kochi-4.

5. Garrison Engineer,  
Military Engineer Services,  
Naval Base (PO), Kochi-4.

... Respondents

(By Advocate Mr. James Kurien)

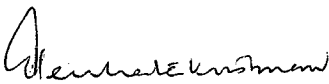
O R D E R

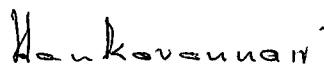
CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicants seek a declaration that they are entitled to receive "night duty allowance" on the dates on which they had worked during nights with effect from 1.1.1986. According to them a representation made by them to the 1st respondent was returned by second respondent on the ground that the authorities higher to them have not agreed to accept the request. The representation made by applicants is A10. We direct 1st respondent to consider A10 on merits, pass a reasoned order thereon within four months from today and communicate the order to applicant No.1 on behalf of the applicants.

2. With the aforesaid direction, we dispose of the application. No costs.

Dated the 23rd day of March, 1995.

  
P.V.VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

C.P.(C) No.22/96  
in  
O.A.No. 406/95

Monday this the 8th day of April, 1996.

CORAM

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

1. E.J.Alexander, Fitter General Mechanic  
Office of the Assistant Garrison Engineer,  
Electrical Mechanical II, Naval Base, Kochi.4.
  2. V.G.Gopalan, Fitter General Mechanic -do-
  3. N.K.Purushan, Fitter General Mechanic -do-
  4. N.Jayadevan, Fitter General Mechanic -do-
  5. V.K.Divakaran, Fitter General Mechanic -do-
  6. K.I.Thomas, Fitter General Mechanic -do-
  7. B.Anirudhan, Fitter General Mechanic -do-
  8. K.Kuttappan, Fitter General Mechanic -do-
  9. Nanukuttan, Fitter General Mechanic -do-
  - 10.N.P.John, Fitter General Mechanic -do-
  - 11.T.S.Mamapal, Fitter General Mechanic -do-
  - 12.A.Krishnan Nair, Fitter General Mechanic -do-
  - 13.T.K.Viswambaran, Fitter General Mechanic -do-
  - 14.P.K.Balakrishnan Nair, Fitter General Mechanic  
Working in the Office of the Assistant  
Garrison Engineer, Fort Cochin.
  - 15.K.Viswanathan, Fitter General Mechanic -do-
  - 16.N.Sadasivan, Fitter General Mechanic -do- ...  
-----PETITIONERS
- (By Advocate Mr. P.K.Madhusoodhanan)

Vs.

K.A.Nambiar, Secretary,  
Ministry of Defence, Government of India,  
Nirman Bhavan, New Delhi. .... Respondent

(By Advocate Mr. MA Shefik for Sr.CGSC)

The petition having been heard on 8th April, 1996, the Tribunal on the same day delivered the following:

O R D E R


CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN


Petitioners complain that the directions in O.A.406/95 dated 23.3.95 to pass appropriate orders on their representation were not complied with. Orders were to be passed by the end of July, 1995.

2. Standing counsel appearing on notice submits that orders have been passed on 16.2.96. There is a delay of seven months in complying with the directions. When a thing is ordered to be done, it must be done in that manner and within the time indicated. That has not been done. There is a long delay and even after the request for extension of time was dismissed, respondents have taken more than three months to comply with the directions. However, we do not wish to proceed with the Contempt Petition in view of the apology expressed by Standing Counsel. But petitioners must be compensated for their costs which they had to incur solely due to the laches of respondents.

3. While dismissing the petition we direct respondent to pay Rs.1600/- (One thousand and six hundred) as costs in equal parts to the sixteen petitioners. Payment shall be made within four weeks from today.

Dated the 8th day of April, 1996.

  
P.V.VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN