

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 433/1995

DATE OF DECISION:24/04/2001

Shri Deepthimahanthi Ganesh Anantha Applicant

Shri P.A.Prabhakaran
-----Advocate for
Applicant.

Versus

Union of India & 6 Ors.
-----Respondents.

Shri R.K.Shetty
-----Advocate for
Respondents.

Coram:
Hon'ble Shri Kuldip Singh, Member (J)
Hon'ble Smt. Shanta Shastray, Member (A).

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to
other Benches of the Tribunal?
3. Library.

Kuldip Singh
(KULDIP SINGH)
MEMBER (J)

abp

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:433/1995
DATED THE 24th DAY OF APRIL 2001**

**CORAM:HON'BLE SHRI KULDIP SINGH, MEMBER(J)
HON'BLE SMT.SHANTA SHAstry, MEMBER(A)**

Shri Deepthimahanthi Ganesh Anantha,
Alwara Rao,
R/o Quarter No.681/8, MES Key Personal
Quarters, Chunabhatti Post,
Naval Armament Depo, Karanja,
Taluka Varan, District Raigarh,
Pin 400 704. ... Applicant

By Advocate Shri P.A.Prabhakaran

V/s.

1. Union of India,
Through the Secretary
Ministry of Defence,
New Delhi
2. Engineer in Chief,
Army Head Quarters,
New Delhi.
3. Chief Engineer,
Southern Command,
Pune - 1.
4. Commander Works Engineer,
(Project), Dry Dock,
Vishakapatnam.
5. Commander Works Engineer,
Colaba, Bombay - 400 005.
6. Chief of the Army Staff,
New Delhi.
7. Garrison Engineer(Project),
E/M, Dry Dock Naval Base,
Post, Vishakapatnam,
Pin - 530 014. ... Respondents

By Advocate Shri R.K.Shetty

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(ORAL) (ORDER)

Per Smt. Shanta Shastry, Member(A).

The applicant in this OA is seeking following reliefs:-

- i) The respondents may be directed to regularise the applicant as Electrician (Vehicle Electrician)/Vehicle Mechanic HS II w.e.f. 8/12/1977 and further directed to post the applicant at Bhimini or at Chilka in Vishakapatnam Zone. As per the factual position given in para 4.9 Order in the Chief Engineer Dry Dock Vishakapatnam under whom the applicant was posted on 8/12/1977 or alternatively at another place in the zone of the Garrison Engineer Vishakapatnam as per the factual position stated in para 4.15.
- ii) Due seniority may be granted.
- iii) The respondents be further directed to grant further promotion to the applicant as Electrician Highly Skilled Grade-I, taking into consideration his seniority as Electrician Highly Skilled Grade II w.e.f. 8/12/1977.
- iv) The Respondents to give grade arrears to the applicant and all the reliefs sought in Sub Para (i) (iii).
- v) Interest at market rate may be directed to be paid on the reliefs sought in para 4 and 5 above.
- vii) The following impugned orders be quashed:
 - i) The order No.1753-A/86-87/3136/EB dated 25th Feb. 1995 as communicated to the applicant by Order No.102/CC/55/E1 dated 8th March, 1995.
 - ii) Order at para 1(ii)
 - iii) Order No.1453/A/314/EB dated 13th Nov, 1991.

2. The facts in brief ~~are~~ that the applicant claims that he had been appointed as Vehicle Electrician by Chief Engineer, Dry Dock Vishakapatnam. No order was issued at that time. However, at the time of each break, service certificates were issued and first break certificate was given on 26/9/78 as Electrician.

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3. The applicant has been working with intermittent breaks as Vehicle Electrician and filed Writ Petition No.6713 of 1982 before the Andhra Pradesh High Court, copy of order passed is placed on record by respondents wherein the applicant has claimed regularisation of casual worker.

4. The Government of India had also issued a circular at one time that all casual workers be absorbed in Group 'D' post.

5. Based on the judgement, the learned counsel for applicant pointed out that the applicant should be regularised in Group 'D' post. Applicant not being satisfied with the High Court order filed this OA claiming reliefs as stated above.

6. The respondents in reply state that as per the directions given in the judgement by the Andhra Pradesh High Court, the applicant was directed by Minsitry of Defence to be considered for regularisation. It is stated that the applicant's appointment in 1977 was not through Employment Exchange. However, due to non fulfilment of qualifications, the applicant could not be regularised as Vehicle Electrician.

7. Since the applicant did not possess the prescribed qualification for the post of Electrician, Vehicle Electrician, it would not be possible to regularise the applicant in the post of Electrician which is a Group 'C' post as he does not have ITI Certificate or an NCTVT certificate. Hence, on both these grounds, the applicant cannot be regularised in the post of Electrician.

8. We have heard the learned counsel for the parties. The learned counsel appearing for the respondents refers to page -76 of the paper book and submits that on the basis of that judgement the applicant should have been regularised in the post of Vehicle Electrician. A clear cut direction has been given to the department to absorb the employees in accordance with the rules. Since the DOP&T scheme is for regularisation to Group 'D' posts, the applicant should correctly have been regularised as Electrician.

9. Besides, the above the applicant does not possess the necessary qualification for the post of Vehicle Electrician so on that account also we cannot direct the department to regularise the applicant.

10. We find that the category in which the applicant had to be absorbed could not be done due to non fulfilment of qualification, etc, hence we feel that there is nothing to indicate that any direction is required to be given to respondents. We find that on the basis of the Andhra Pradesh High Court Order, the respondents have considered the case., and that no case has been made out even on merits. Hence, the OA is dismissed. No Costs.

Shanta S

(SHANTA SHAstry)
MEMBER(A)

Kuldeep S

(KULDIP SINGH)
MEMBER(J)

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