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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT HYDERABAD

O.A./ XXXX No. 627 of 1987.

Date of Order: 29-9-1989

Between:

V.V.Ratnachary.

...Applicants.

and

1. The Flag Officer Commanding-in-Chief,  
Headquarters, Eastern Naval Command,  
Naval Base, Visakhapatnam-530 014  
and another.

...Respondents.

FOR THE APPLICANT: MR.P.S.N.MURTHY: ADVOCATE

FOR THE RESPONDENTS: MR.PARAMESWARA RAO FOR MR.P.RAMA  
KRISHNA RAJU: SR.CGSC.

CORAM:

HON'BLE MR.B.N.JAYASIMHA: VICE CHAIRMAN.

AND

HON'BLE MR.J.NARASIMHA MURTHY: MEMBER(JUDL)

(JUDGMENT OF THE BENCH DELIVERED BY HON'BLE  
SHRI B.N.JAYASIMHA: VICE CHAIRMAN)

...Contd...

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O.A.627/87.

(Judgment of the Bench delivered by Hon'ble Vice-Chairman, Sri B.N.Jayasimha.)

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The applicant filed this application seeking an amendment to Headquarters, Eastern Naval Commandant Letter CE/0762 dated 18-12-1986 showing his name as "Steno-typist" and not as "L.D.C." with effect from 5-3-1974 and to regrade him as a Regular Stenographer, Grade III as a consequential relief to implementation of the orders contained in Ministry of Defence Letters ~~referred to and for consequential benefits.~~

The applicant was appointed as Casual Steno-typist in the Indian Navy with effect from 5-3-1974.

He had passed the qualifying stenography test at 80 words per minute and some time in September/October, 1974 the

Third Pay Commission recommended the abolition of the

post of Steno-typist. The ~~not~~ respondent, ~~arbitrarily~~  
<sup>No!</sup> ~~and unauthoritatively~~ without waiting for <sup>a</sup> detailed Government

orders on the subject reverted all <sup>The</sup> Casual Steno-typists

as Casual L.D.Cs., in November, 1974 confronting them with

an option either to accept reversion as L.D.C, or face

ouster. <sup>Therefore accepted</sup> ~~Therefore he had to accept reversion as Casual~~

<sup>A</sup> L.D.C. ~~There was no Authority from the Government.~~ The

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Government orders on the subject were issued only in August, 1975 vide Govt. of India Ministry of Defence Letter Nos. 2(13)/74/D(Civ-I) dated 8-8-1975 and corrigendum of even Nos., dated 8-4-1976 and 1-8-1976.

After the issue of this letter he should have been restored to the ~~grade~~ <sup>post</sup> of Stenographer Grade III with effect from the date of his initial appointment i.e., 5-3-1974. The benefit was ~~therefore~~ not given to him.

The casual employees of various grades including the applicant <sup>who</sup> were greatly agitated filed Writ Petition No. 410/78<sup>+</sup> ~~in~~ in the High Court of Andhra Pradesh. The Writ Petition and Writ Appeal No. 239/80 were disposed of by the Andhra Pradesh High Court on 20-12-1985 ordering regularisation of all casual employees from the date of their initial employment retrospectively. During the pendency of the above Writ Petition and the Writ Appeal the applicant was reappointed as Stenographer Grade III with effect from 18-10-1983 <sup>still</sup> and he ~~was~~ holding that post.

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The applicant contends that as he was erroneously and unwarrantedly reverted as L.D.C., by the Head Quarters, Eastern Naval Command, he should be treated as Stenographer-Grade III from 5--3--1974. Hence he has filed this application.

The respondents in their counster state that the applicant was appointed as Casual Steno-typist as he has qualified in Stenography test at 80 words per minute. Casual Steno-typists were appointed against short term vacancies purely for a specific initial period of 89 days against the posts created under local financial powers. Such short term vacancies were created in order to meet operational service requirement on particular jobs. It was made clear that their services are liable for termination at any time without any notice. The applicant was one of those who was appointed on similar terms as purely Casual Steno-typist with effect from 5--3--1974.

The respondents state that they have received Naval Headquarters letter No.CP(A)/2890 dated 10-9--1974 which communicated the following decisions:

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- (a) that future recruitment of Steno-typists should be dispensed with
- (b) that the existing Steno-typists who are able to pass a qualifying test for the post of Stenographer should be placed in an appropriate pay scale in replacement of the existing scale till such time they pass the qualifying test in Stenography or retire.
- (c) that no future recruitment of Steno-typist even on casual/temporary basis should be made.

As even the casual appointment of Steno-typist was abolished, there was no room for the applicant and other similar casual Steno-Typists for their retention/continuance in service. In fact, they were to be thrown out of employment. Instead of throwing them out, they were provided with alternative appointment as Casual L.D.Clerks with specific condition that their past service rendered as Casual Steno-typist will not be counted for any purpose and that their appointment as Casual L.D.Clerk will be regarded as fresh appointment. The applicant was accordingly reverted.

The Government Order dated 12--8--1975 related to the existing posts of Steno-typists Grade III with effect from 1-1-1973. The Government letter made a provision to adjust all the existing Steno-typists against the converted posts of Stenographer Gr. III subject to their

(b) (N)

possessing the requisite qualification in Stenography.

The applicant was not an existing Steno-typist by the time the Government letter regarding conversion of Steno-Typists was received. Hence he could not be given the benefits of Government letter.

The applicant was one of the petitioners in the Writ Petition No.410/78 and in that his claim was for regularisation of his services as L.O.Clerk ignoring the intermittent breaks. The applicant had been reverted as a Lower Division Clerk from 7-10-74. The applicant is, therefore, entitled for the benefit only from 7-10-1974 and not from 5-3-1974 as Casual Steno-typist. The applicant has been given the benefit accrued to him according to the claim made by him in the Writ Petition and the Writ Appeal.

The contention of the applicant that he was reappointed is not correct. In October, 1983 some posts of Stenographers Grade III were required to be filled by direct recruitment. Necessary requisition was placed on the Employment Exchange and candidates with requisite qualifications were sponsored by the Employment Exchange. Applications were invited from the serving

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To

1. The Flag Officer Commanding-in-Chief, Headquarters, Eastern Naval Command, Naval Base, Visakhapatnam-530 014.
2. The Chief Of the Naval Staff, Naval Headquarters, New Delhi-110 011.
3. One copy to Mr.P.S.N.Murthy, Advocate, 38-22-520/3, Siva Nagar, Vizag-18
4. One copy to Mr.P.Ramakrishna Raju, Sr.CGSC, CAT, Hyderabad.
5. One spare copy.

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employees (L.D.Clerks etc.), The applicant was one amongst those who applied for the said post of Stenographer and he was selected. The appointment of the applicant from 18-10-1983 was a fresh appointment and not a re-appointment.

We have heard the learned counsel Shri P.S.N. Murty for the applicant and learned counsel Shri Parameswara Rao for Sri P.Ramakrishna Raju for the respondents.

From the facts narrated above, it is seen that the applicant had been reverted as on L.D.C. from 7-10-1974. The applicant had not questioned his reversion at that time. He was also one of the petitioners in W.P.No.410/78 and he alongwith others had claimed that their services should be regularised from the date of their initial appointment.

The Ministry of Defence letters upon which the applicant rests his claim were issued in 1975 and 1976.

*The applicant only claimed the*

*benefit of regularisation on LDC*  
The W.P.410/78 was filed in the year 1978. The applicant

has already received the benefit of regularisation of his services in the L.D. Cadre from 7-10-1974 as decided

in W.P.No.410/78. We, therefore, see no merit in the claim

of the applicant for treating him as a regular Stenotypist

from 5th March '74, and for treating him as a Stenographer Gr. III

~~alongwith~~ from 5-3-1974. In the result the application

has to be dismissed. It is accordingly dismissed.

No order as to costs.

*B.N.Jayashimha*  
B.N.Jayashimha  
Vice-Chairman.

*M.S.*  
(J.Narasimha Murty)  
Member (Judl).

*Deputy Chairman (A)*