

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.699/89.

Date of Judgement 22.4.92.

1. J.Dharma Rao
2. R.V.L.N.Rao
3. Smt. Y.Bhagya Lakshmi .. Applicants

Vs.

Flag Officer Commanding-in-Chief,
Eastern Naval Command,
Visakhapatnam-14. .. Respondent

Counsel for the Applicants : Shri P.B.Vijaya Kumar

Counsel for the Respondents : Shri N.Bhaskara Rao, Addl. CGSC

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

[Judgement as per Hon'ble Shri R.Balasubramanian, Member(A)]

This application has been filed by Shri J.Dharma Rao & 2 others against the Flag Officer Commanding-in-Chief, Eastern Naval Command, Visakhapatnam-14 under section 19 of the Administrative Tribunals Act, 1985. The prayer herein is for a direction to the respondents to regularise their services from the date of initial appointment, restore their seniority and also give them all consequential and attendant benefits as has been extended to the juniors covered by the Orders No.CE/0762 dt. 17.9.87 and other connected CE orders.

2. The applicants herein were appointed as temporary casual non-industrial employees in Clerical categories in different establishments of Eastern Naval Command, Visakhapatnam. They were appointed through the Regional Employment Exchange, Visakhapatnam after observing the formalities of test/interview etc., on par with regular employees. They were given artificial breaks after every 89th day of service thereby depriving their annual increments and other service benefits. Subsequently they were regularised on a subsequent date and their grievance is that their services have to be regularised from the date of initial appointment by condoning artificial breaks in service.

3. Several employees came to this Tribunal seeking some relief and the Tribunal had allowed a few applications. The respondents had ~~been~~ given the benefit of implementing the orders of this Tribunal in batch of O.As 402, 514/86, 127, 131, 230, 231, 247, 266, 290 & 303/87 dt. 14.5.87 and O.A. 288/88 and some other cases. Two persons S/Shri A.Krishna Murthy & P.Subba Rao who are very much junior to the applicants had been given the benefit of regularisation from the date of initial appointment. Subsequently other persons who are senior to the above two persons S/Shri A.Krishna Murthy & P.Subba Rao filed O.A. 654/88 seeking extension of the benefit of regularisation. This O.A. was allowed by a judgement dt. 21.6.89 of this Bench. The applicants want the benefit of the judgement of this Bench to be extended to them also.

4. The respondents have filed a counter affidavit and oppose the application. The facts of the case are not disputed. But the main objection on the part of the respondents is contained in para 9 of the counter wherein it is stated that the applicants cannot claim the benefits of the judgement in other court cases, as the judgements are to be implemented only in the case of the petitioners/applicants therein. Hence the applicants herein are not entitled for relief as prayed for by them.

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5. We have examined the case and heard the rival sides. In the first instance we wish to state that the benefits of any court judgement should be extended to persons similarly placed. We have also seen the judgement dt. 21.6.89 in O.A. 654/88. The facts and circumstances of the case covered in that O.A. are applicable to the applicants before us in this O.A. and hence following the judgement dt. 21.6.89 in O.A. 654/88 we direct the respondents to regularise the services of the applicants herein from the date of initial appointment, restore their seniority and also give them all consequential benefits as have been extended to the juniors, covered by the Orders No.CE/0762 dt. 17.9.87 of the Flag Officer Commanding-in-Chief, Eastern Naval Command, Visakhapatnam. ^{We, however,} ~~We,~~ however, notice that the applicants before us have not cared to agitate earlier alongwith other applicants. ^{Hence we} ~~We also~~ direct the respondents to restrict any arrears by way of difference ^{between} ~~from~~ the orders directed to be issued and the orders already issued to a period subsequent to 14.9.88 i.e., one year prior to the date of registration of this O.A. on 14.9.89.

6. The application is disposed of thus with no order as to costs.

R. Balasubramanian
(R.Balasubramanian)
Member(A).

C. J. Roy
(C.J.Roy)
Member(J).

Dated: 22 April, 1992.

Deputy Registrar(Judl.)

Copy to:-

1. Flag Officer Commanding-in-Chief, Eastern Naval Command, Visakhapatnam-14.
2. One copy to Sri. P.B.Vijaya kumar, advocate, cat Hyd.
3. One copy to Sri. N.Bhaskara Rao, Addl. CGSC, CAT, Hyd.
4. One spare copy.

Rsm/-