

(62)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

D.A.No. 825/89.

~~XXXXXX~~

Dt. of Decision: _____

P.Appa Rao & 60 others

Petitioner

Shri M.P.Chandra Mouli

Advocate for
the Petitioner
(s)

Versus

Chief of Naval Staff, Naval Headquarters, New Delhi
& 2 others

Respondent.

Shri Rajeswara Rao for
Shri N.V.Ramana, Addl. CGSC

Advocate for
the Respondent
(s)

CORAM:

THE HON'BLE MR. R.Balasubramanian : Member(A)

THE HON'BLE MR. C.J.Roy : Member(J)

1. Whether Reporters of local papers may be allowed to see the judgment?
 2. To be referred to the Reporters or not?
 3. Whether their Lordships wish to see the fair copy of the Judgment?
 4. Whether it needs to be circulated to other Benches of the Tribunal?
 5. Remarks of Vice-Chairman on Columns 1,2,4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)
- No

avl/

HRBS
M(A).

HCJR
M(J).

(63)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.825/89.

Date of Judgement 11/11/92

- | | |
|------------------------|-------------------------------|
| 1. P.Appa Rao | 32. S.Bhooloka |
| 2. R.Satyanarayana | 33. K.Ramakrishna |
| 3. S.Nookaraju | 34. K.Trinadha |
| 4. D.Ramu | 35. B.Pydithalli |
| 5. K.Chandra Rao | 36. E.Veerawamy |
| 6. B.Lakshmana Rao | 37. R.Appa Rao |
| 7. K.Adiyya | 38. V.Simhachalam |
| 8. G.Nookaraju | 39. P.Bangarayya |
| 9. D.Mani | 40. L.Pydiraju |
| 10. G.Kamayya | 41. P.Narasinga Rao |
| 11. B.Appa Rao | 42. Ch.Surya Rao |
| 12. P.Appa Rao | 43. K.Ramu |
| 13. G.Tatabbai | 44. B.Appa Rao |
| 14. N.Dasanna | 45. K.Kanaka Raju |
| 15. G.Yerukunaidu | 46. K.Samba Murthy |
| 16. M.Jagadeeswara Rao | 47. G.Brahmayya |
| 17. P.Sitaramayya | 48. D.Suryanarayana |
| 18. P.Appa Rao | 49. P.Madhava Rao |
| 19. O.Appalaswamy | 50. A.Venkata Rao |
| 20. B.Suryanarayana | 51. B.Appa Rao |
| 21. D.Meerayya | 52. B.Appalasuri |
| 22. N.Demudu | 53. S.Naidu |
| 23. J.Rama Rao | 54. G.Appa Rao |
| 24. J.Ramu | 55. P.Ramana |
| 25. S.Appalaswamy | 56. G.Veerawamy |
| 26. O.Appa Rao | 57. B.Veerunaidu |
| 27. Ch.Mani | 58. K.Appa Rao |
| 28. N.Yellaji Rao | 59. B.Guru Murthy |
| 29. S.Kamalayya | 60. M.Sanyasi Rao |
| 30. G.Appa Rao | 61. S.Markandeya .. Applicant |
| 31. N.Krishna Murthy | |

Versus

1. Chief of Naval Staff, Naval Headquarters,
New Delhi.
2. The Flag Officer-Commanding-in-Chief,
Eastern Naval Command, Visakhapatnam.
3. The Administrative Officer,
Personnel Department,
Eastern Naval Command, Visakhapatnam. .. Responder

Counsel for the Applicants :: Shri M.P.Chandra Mouli

Counsel for the Respondents :: Shri Rajeswara Rao for
Shri N.V.Ramana, Addl. C

CORAM:

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

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

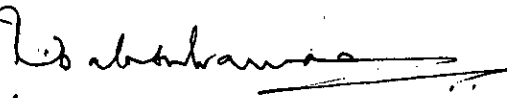
[Judgement as per Hon'ble Shri R.Balasubramanian, Member(A)]

This application has been filed by Shri P.Appa Rao & 60 others against the Chief of Naval Staff, Naval Headquarters, New Delhi & 2 others under section 19 of the Administrative Tribunals Act, 1985 with a prayer to direct the respondents to treat the applicants as regular employees with effect from the dates shown in Column No.5 of the Order No.CED.A/141/80 dt. 23.9.80 by holding the proceedings No.PIR/0703/IV dt. 29.10.86 issued by the 3rd respondent as illegal, arbitrary and unconstitutional and to direct the respondents to give all consequential benefits to the applicants.

2. The applicants were appointed as Temporary Casual Industrial Employees in the Naval Dock Yard in October/November, 1979. By an order dt. 23.9.80 of the Naval Dock Yard, Visakhapatnam, they were converted into regular employees and were declared entitled to all benefits as admissible to regular employees. Some of them were given even quasi-permanency. However, in a provisional seniority list issued on 29.10.86, of unskilled labourers, the applicants were shown as continuous casual employees. Only the seniority list was circulated but not the covering letter showing the applicants as continuous casual labour. As soon as they came to know about this, they represented on 31.1.89 protesting against being called casual and wanted to be confirmed in Group-D. No reply was received and hence this O.A.

3. The respondents oppose the O.A. and have filed a counter. It is stated that in their representation dt. 31.1.89, the applicants had admitted their knowledge of the contents of the 29.10.86 order. Hence, it is contended that the O.A. is hit by limitation.

4. We have examined the case and heard the rival sides. In a number of cases as in O.As No.703/87 and 107/88, this Bench had decided that, in terms of the orders issued by the Govt. of India, such casual employees ^{as} like the applicants, ^{who} as were treated as regular employees, were entitled only to financial benefits on par with regular employees. To a pointed question whether, as a result of issue of the impugne seniority list dt. 29.10.86, their financial benefits had been affected, both the sides admitted that the financial benefits were not affected. Regularisation in the sense of the term ^{is quite different from being treated as} connotes regular for certain financial benefits. We are satisfied that the letter dt. 23.9.86 has not caused any disadvantage to the applicants. Moreover, the case also attracts limitation in terms of section 21 of the Administrative Tribunals Act, 1985. M.A.No.621/89 has been filed for condonation of an enormous delay. This M.A. is liable to be dismissed. The O.A. is dismissed as unnecessary with no order as to costs. The M.A. is also dismissed.


(R. Balasubramanian)
Member (A).


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


Dated: 11 th November, 1992.


Deputy Registrar (J)

- To
1. The Chief of Naval Staff, Naval Headquarters, New Delhi.
 2. The Flag Officer-Commanding-in-Chief, Eastern Naval Command, Visakhapatnam.
 3. The Administrative Officer, Personnel Department, Eastern Naval Command, Visakhapatnam.
 4. One copy to Mr. M. P. Chandramouli, Advocate, 1-7-139/1 Golkonda 'X' Roads, Musheerabad, Hyderabad.
 5. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
 6. One spare copy.

pvm.



TYPED BY

ASR
20/11/92
COMPARED

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY:
M(JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER(JUDL)

Dated: 11. - 11-1992

~~ORDER~~ JUDGMENT:

R.A. /C.A. /M.A.No

in

O.A.No. 825/89

T.A.No.

(wp.No)

Admitted and interim directions
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No orders as to costs.

pvm

Central Administrative Tribunal

DESPATCH

24 NOV 1992

HYDERABAD BENCH.