

24

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.277/90

Date of Order: 1.10.1993

BETWEEN:

1. E.Satyanarayana .. Applicant.

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1. Union of India,
Rep. by the Secretary,
Ministry of Defence,
New Delhi.
2. Chief of Naval Staff
Naval Headquarters,
New Delhi.
3. Flag Officer
Commanding-in-Chief,
Headquarters, Eastern
Naval Command,
Visakhapatnam. .. Respondents.

Counsel for the Applicant .. Mr.T.V.V.S.Murthy *for*
T. Jayantrao

Counsel for the Respondents .. Mr.N.R.Devraj

CORAM:

HON'BLE SHRI A.B.GORTHI : MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

Order of the Division Bench delivered
by Hon'ble Shri A.B.Gorthi, Member (Admn.).

The applicant who was appointed initially as a Lower Division Clerk w.e.f. 10.6.1974 as a Casual (temporary) employee claims by means of this application regularisation of his service w.e.f. the date of his initial appointment as a casual (Temporary) L.D.C.

2. The applicant having joined the respondents' organisation as a casual (temporary) L.D.C. was put in continuous service w.e.f. 6.12.1979 and his appointment was regularised w.e.f. 1.3.1980. As similarly situated several other employees approached the High Court of Andhra Pradesh and later the Hyderabad Bench of the Tribunal and obtained directions to the effect that their services should be regularised from their dates of initial appointment, the applicant also made a representation to the Flag Officer, Commanding-in-Chief, Head Quarters, Eastern Naval Command. The representation was considered by the competent authority but was rejected on the ground that it was decided by the Naval Headquarters that the benefit of the judgements of the High Court of Andhra Pradesh and the Central Administrative Tribunal would be available only to the petitioners concerned and not to other employees. Aggrieved by such rejection of ^{his} ~~such~~ representation, the applicant has approached this Tribunal.

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3. The respondents in their counter affidavit have stated that the applicant was appointed as a casual (temporary) employee and he was continued in service with the usual technical breaks. He rendered continuous (un-interrupted) service w.e.f. 6.1.79 and he was regularised as L.D.C. in 1982. As regards the judgement of the High Court of Andhra Pradesh the respondents contended that since in the judgement the High Court did not direct that all casual (temporary) employees would be regularised from the date of initial engagement, the respondents were justified in regularising from the dates of initial engagement of ^{only} the petitioners who approached the High Court.

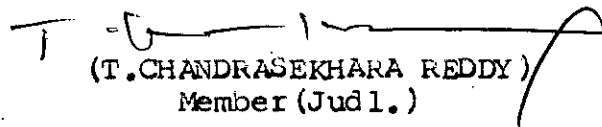
4. Learned counsel for the applicant has drawn our attention to the judgements of the High Court of Andhra Pradesh in W.A.239/80, W.P.7269/81 and the judgements of the Tribunal in TA.511/86, 288/88 404/86 and 515/86. He has also drawn our attention to ^a the similar judgement of the Calcutta Bench in OA.23 and 24/87. In all the afore-said judgements, directions were given to the respondents to regularise the applicants, who were non-industrial employees serving in H.Q. Eastern Naval Command, to be regularised w.e.f. the dates of their initial engagement as casual (temporary) employees.

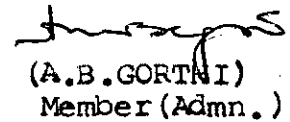
5. In view of the afore-stated and in view of the facts that the applicant herein is similarly situated as those governed by the above judgements,

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^{we}
~~to~~ allow this application directing the respondents to regularise the applicant from the date of initial appointment after ignoring the artificial ^{breaks,} grades if any. The applicant would be entitled to all consequential benefits.

6. The application is allowed in the above terms. There shall be no order as to costs.


(T. CHANDRASEKHARA REDDY)
Member (Judl.)


(A.B. GORTNI)
Member (Admn.)

Dated: 1st October, 1993

(Dictated in Open Court)


Deputy Registrar (U)

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- To
- 1, The Secretary, Union of India,
Ministry of Defence, New Delhi.
 - 2, The Chief of Naval Staff, Naval Headquarters,
New Delhi.
 3. The Flag Officer, Commanding-in-chief,
Headquarters, Eastern Naval Command, Visakhapatnam. -14
 4. One copy to Mr. T.V.V.S. Murthy, Advocate, CAT.Hyd.
^{to T. Jayanthi}
 5. One copy to Library, CAT.Hyd.
 6. One copy to Mr. N.V. Ramana, Addl. CGSC. CAT.Hyd.
 7. One spare copy.

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