

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 951/91.

Dt. of Decision : 28.7.1994.

Mr. G. Kameswara Rao

.. Applicant.

Vs

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

.. Respondents.

Counsel for the Applicant : Mr. T. Jayant

Counsel for the Respondents : Mr. N.V. Raghava Reddy,
Addl. CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

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

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O.A.No.951/91

Dt.28.7.94

{ As per Hon'ble Shri A.B.Gorthi, Member (Admn.) }

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The claim of the applicant is for a direction to the respondents to regularise his service from the date of his initial appointment as L.D.C. w.e.f. 29.9.72 after condoning the artificial breaks and with consequential monetary benefits.

2. The applicant was initially appointed as a temporary (casual) L.D.C. w.e.f. 29.9.72 in the Base Supply Office, Naval Base in Headquarters Eastern Naval Command, Visakhapatnam. He continued to work as such with usual intermitant technical breaks in his engagement. Similarly situated other temporary (casual) IDCs approached the A.P. High Court praying for regularisation of their services. The Writ Petition was allowed and the petitioners therein were deemed to have been regularly appointed from the date on which they were initially engaged. Subsequent to the judgement of the A.P. High Court, several others similarly situated employees approached the Tribunal and obtained similar directions. Learned counsel for the applicant has drawn our attention to OA.79/90 decided on 26.3.91 in which a reference was made to WP.7269/91 decided in favour of the petitioner therein by the A.P. High Court. In OA.79/90 the applicants therein

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were also temporary (casual) L.D.Cs.

3. The respondents in their reply affidavit have mainly asserted that the applicant herein approached the Tribunal rather ^{belatedly} too / because the judgement was delivered by the High Court as early as 1985. They have also contended that the respondents were extending the benefit of the various judgements to the petitioners/applicants ^{only} as and when they obtained orders in their favour from Courts/Tribunals.

4. Learned counsel for the applicant has stated that the Bombay Bench of the Tribunal, looking at the large number of cases being filed on this issue, gave a direction that the casual service of all Naval Civilian employees should be regularised once for all. Obviously this was not done and as a result a large number of applicants are ^{still} seeking relief through this Tribunal.

5. We find that the applicant herein is similarly situated to the applicant in OA.79/90. There is no reason why the applicant should not be given similar relief as was given to the applicants in the said OA. Accordingly this OA is allowed with a direction to the respondents to treat the applicant as regularly appointed w.e.f. the date of initial engagement as temporary (casual) L.D.C. Consequential monetary

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benefits will be ~~due~~ ^{fixed &} on a notional basis but actual
arrears, if any, will ~~be~~ ^{however &} paid to the applicant only
from the date one year prior to the filing of this OA
i.e. with effect from 1.10.90. No order as to costs.

[Signature]
(A. B. GORTHI)
Member (Admn.)

[Signature]
(A. V. HARIDASAN)
Member (Judl.)

Dated: 28th July, 1994
(Dictated in Open Court)

[Signature]
DEPUTY REGISTRAR (J)

sd

COPY TO:

Union of India,

1. The Secretary, Ministry of Defence, New Delhi-1-
2. The Chief of Naval Staff, Naval Headquarters, New Delhi-1.
3. The Flag Officer, Commanding in Chief, Naval Base, Headquarters, Eastern Naval Command, Visakhapatnam.
4. One copy to Mr. T. Jayant, Advocate, CAT, Hyderabad.
5. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One copy for spare.

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Typed by
Checked by

Compared by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN: MEMBER(J) ✓

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A) ✓

Dated: 28 7-94 ✓

~~ORDER/JUDGMENT.~~ ✓

~~M.A./R.P./C.P.NO.~~

G.A.NO. 951/91 ⁱⁿ ✓

T.A.NO.

(~~W.P.NO.~~)

~~Admitted and Interim Directions
Issued.~~

~~Allowed.~~ ✓

~~Disposed of with directions.~~

~~Dismissed.~~

~~Dismissed as Withdrawn.~~

~~Dismissed for Default.~~

~~Rejected/Ordered.~~

~~No order as to costs.~~ ✓

