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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

MA.200/99 in OA.176/92

dt.14-6-1999

Between

G. Srinivasulu

; Applicant

and

1. The Chief of the Naval Staff
Naval Headquarters, New Delhi

2. Flag Officer
Commanding in chief
Eastern Naval Command
Visakhapatnam

: Respondents

Counsel for the applicant

: P.B. Vijayakumar
Advocate

Counsel for the respondents

: B. Narasimha Sharma
Sr. CGSC

Coram

Hon. Mr. Justice D.H. Nasir, Vice Chairman

Hon. Mr. D.H. Rajendra Prasad, Member (Admn)

Order

(per Hon. Mr. H. Rajendra Prasad, Member (Admn.))

Heard Sri P.B. Vijayakumar, learned counsel for the Miscellaneous Applicant and Sri B. Narasimha Sharma, learned Senior Standing counsel for the respondents.


1. In OA.176/92 the respondents were directed to regularise the services of the applicant from the date on which he was initially appointed as Civilian Education Instructor. In the opening para of the judgement the Tribunal recorded clearly the view that the applicant had joined in the said post on 22-1-1969. Consequent on this order of the Tribunal, Headquarters Eastern Naval Command (Respondent-2) passed the necessary follow-up order on 10-8-1995, to which was enclosed a statement showing the service of the applicant in columns 4 and 5 indicating the dates of initial appointment and of regularisation as 22-1-1969. It would appear that the Naval Dockyard was unable to regularise his services from the date determined by this Tribunal, and the 2nd Respondent did so only from 5-1-1970. It is stated that this latter date is the date of the applicant's reengagement. It would also seem that between 21-1-1969 and 5-1-1970 there may have been a gap (break) of more than 10 days in one spell, whereas it seems that a condonation of any break of more than 10 days is not within the competence of the CEO of the Dockyard. The matter has, therefore, been referred to Respondent-2 again for appropriate action.
2. All that is required to be done in this case is for Respondent-2 to order condonation of break(s), if any, in

the applicant's service between 22-1-1969 and 5-1-1970. This needs to be done urgently since a clear direction exists in this case from this Tribunal and also because the same has ~~been~~ already been approved by Respondent-1 and acted upon, to a large extent, by Respondent-2 as well.


3. It is, therefore, directed that a decision to issue necessary condonation ^{taken and action} is completed by Respondent-2 within 30 days from today.

3. Thus the MA is disposed of.


(H. Rajendra Prasad)
Member (Admn.)


(D.H. Nasir)
Vice Chairman

Dated : June 14, 99
Dictated in Open Court


J. S. Verma

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