

(33) (42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

O.A.NO.176/92

Between:

Date of Order; 24.3.95.

1. G. Srinivasulu
2. G. Ravi Kumar

(The O.A. is dismissed as not pressed against 2nd applicant vide orders of the Hon'ble Tribunal dt. 29.6.92 made in this O.A.)
And

1. The Chief of the Naval Staff,
Naval Head Quarters,
New Delhi.
2. The Flag Officer Commanding in Chief,
Eastern Naval Command,
Visakhapatnam. 14.

... Respondents.

Counsel for the Applicant : Mr. P. B. Vijaya Kumar

Counsel for the Respondents : Mr. N. R. Devraj, Sr. CGSC.

CORAM:

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

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

contd....

O.A.No. 176/92

Date of Order: 24.3.95

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

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The applicant ~~who~~ joined as a Civilian Educational Instructor in the Naval Dockyard, Apprentice School, Naval Base, Visakhapatnam on 22.1.69. His initial appointment was on a temporary basis and it was subsequently regularised on 4.4.74. The prayer of the applicant is for a direction to the respondents to treat him as regularly appointed from the date of his initial engagement.


2. Several employees who ^{were} ~~are~~ similarly engaged on a temporary casual basis by Eastern Naval Command and Naval Dockyard, Visakhapatnam prayed the A.P. High Court and this Tribunal in the past claiming regularisation from the dates of their initial engagement. The A.P. High Court as also this Tribunal gave relief to them with a direction to the respondents to regularise their services from the dates of their initial engagement.

3. The respondents in their counter affidavit seem to contend that as the applicant before us did not approach the Tribunal ^{earlier,} ~~before~~ they did not consider his case for a similar relief. In our considered view that was ^{not} the right ^{attitude} to have been taken.

4. As ^a ~~the~~ large number of employees of Eastern Naval Command and Naval Dockyard were regularised from the dates of their initial casual engagement, ^{there} ~~they~~ does not ^{exist} ~~exceed~~ any justification for denying a similar benefit ^{to} ~~with~~ the applicant.

5. Accordingly, after having heard learned counsel for both the parties and having perused the material before us we allow this OA with a direction to the respondents to regularise the services of the applicant from the date on which he was initially appointed as a Civilian Educational Instructor. Monetary Benefits, if any, will be calculated on a notional basis but arrears accruing will be admissible to the applicant only w.e.f. 1.2.91, i.e., one year prior to the date of filing this O.A. No order as to costs.


(A.B. GORTHY)
Member (Admin.)


(A.V. HARIDASAN)
Member (Judl.)

Dated : 24th March, 1995

(Dictated in Open Court)


DEPUTY REGISTRAR(J)

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To

1. The Chief of the Naval Staff,
Naval Head Quarters,
New Delhi.
2. The Flag Officer,
Commanding in Chief,
Eastern Naval Command,
Visakhapatnam. 14.
3. One copy to Mr.P.B.Vijaya Kumar, Advocate, CAT, Hyderabad.
4. One copy to Mr.N.R.Devraj, Sr.CGSC, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

YLKR