

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

D.A. No. 1165/93.

Dt. of Decision : 28.7.94.

1. D. Chinna Rao	19. S. Venkateswararao
2. R. Prasada Rao	20. A. V. Ramana
3. M. Jayasree	21. K. Kameswari
4. Ch. Lakshmi	22. J. Seetaramaraju
5. B. Vijayabharati	23. G. V. Ramana
6. K. Joseph	24. Gulam Zeelani
7. A. Rama Rao	25. A. N. Sastry
8. Ch. V. Ramanamurthy	26. K. Nagaraju
9. D. Sreedevi	27. N. Sreeramamurthy
10. VBCH. Lakshmi	28. N. V. Srinivas
11. V. V. Ramam	29. P. Srinivasarao
12. M. Apparao	30. M. Venkata Rao
13. B. Sivakumari	31. C. H. Jyothi
14. Ch. V. R. Chetty	32. P. V. Rama
15. P. Somachanderrao	33. MJSCH. Jeevan
16. K. V. Rama Raju	34. K. Demudu
17. D. Nageswararao	35. CH. S. Prabhakara Rao
18. B. R. Cooper	

.. Applicants.

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. The Flag Officer, Commanding-in-chief, Headquarters, Eastern Naval Command, Visakhapatnam.

.. Respondents.

Counsel for the Applicants : Mr. T. V. V. S. Murthy for Mr. T. Jayant.

Counsel for the Respondents : Mr. N. R. Devaraj, Sr. 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. 1165/94

Dt. 28.7.94

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

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The relief claimed herein by the applicant is for a direction to the respondents to regularise their service from the date of their initial appointment as temporary (casual) L.D.C. with all consequential service and monetary benefits.

2. The applicants were initially appointed as temporary (casual) L.D.Cs in the establishments under the Headquarters Eastern Naval Command, Visakhapatnam. They continued to work as such with the usual intermittent technical breaks. Their representations for treating them as regularly appointed from the dates of their initial representations were not acceded to. 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 dates on which they were initially engaged. Subsequent to the judgement of the A.P. High Court several other similarly situated employees approached the Tribunal and obtained similar directions. Learned counsel for the applicants has drawn our attention to OA.79/90 decided on 26.3.91 in which a reference was made to WP.7269/81 decided in favour

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of the petitioners therein by the A.P. High Court.

In OA.79/90 the applicants therein 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 too belatedly 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 as and when they obtained orders in their favour from Courts/Tribunals.

4. Learned counsel for the applicants 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 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. Learned counsel for the respondents has urged that some of the employees were asked to express their willingness to be transferred to other establishments where regular vacancies were available. Several employees expressed their willingness and were absorbed against regular posts, but, on the otherhand, the applicants expressed their unwillingness to be transferred and gave their willingness to fore-go their seniority. This factor by itself should not, in our considered view, come in the way of respondents

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regularising the services of the applicants. The respondents could have ordered the transfer of the applicants and it was for the applicants to accept such order and proceed on transfer. However at the relevant time they were working only as temporary (casual) employees and not as regular employees. It is on account of the judgements of the A.P. High Court and the Tribunal that the applicants herein also became entitled to similar relief as was given to the respondents in the Writ Petitions and applications filed before A.P. High Court/Tribunal respectively.

6. We find that the applicants herein are similarly situated to the applicants in OA.70/90. There is no reason why the applicants 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 applicants as regularly appointed w.e.f. the date of their initial engagement as temporary (Casual) L.D.C. Consequential monetary benefits will however, be paid to the applicants only from the date one year prior to the filing of this OA i.e. with effect from 1.3.93. No order as to costs.

*Handwritten signature*  
(A.B.GORTHI)  
Member (Admn.)

*Handwritten signature*  
(A.V. HARIDASAN)  
Member (Judl.)

Dated: 28th July, 1994

( Dictated in Open Court )

sd

*Handwritten signature*  
16-8-94  
DEPUTY REGISTRAR(J)

COPY TO:

1. The Secretary, Ministry of Defence, Union of India, New Delhi - 1.
2. The Chief of Naval Staff, Naval Headquarters, New Delhi - 1.
3. The Flag Officer, Commanding in Chief, Headquarters, Eastern Naval Command, Visakhapatnam.
4. One copy to Mr. T. Jayant, Advocate, 6AT, Hyderabad.
5. One copy to Mr. N.R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One copy for spare.

YLKR

*Handwritten signature*  
10/8/94

Typed by

Compared by

Checked 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.R.P./C.P.NO.

G.A.NO.

1165/INT 93

T.A.NO.

(W.P.NO.)

Admitted and Interim Directions  
Issued.

All over.

Dismissed with directions.

Dismissed.

Dismissed as Withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

