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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :HYDERABAD BENCH
AT HYDERABAD

O.A. 420/93.

Dt.of Decision : 30-8-94.

1. P. Kameswara Rao
2. Smt. R. Lakshmi
3. P. Lavanya Kumari
4. M. Babuji Rao
5. R. Venkata Rao
7. V. Venkata Rama Sastry
8. Smt. P.Vijaya Kumari
9. V. Atchyutha Lingam

.. Applicants.

Vs

1. Union of India, rep. by
its Secretary, Defence,
New Delhi.
2. Flag Officer,
Commanding-in-Chief,
Eastern Naval Command,
Visakhapatnam - 14.

.. Respondents.

Counsel for the Applicants : Mr. P.B. Vijayakumar

Counsel for the Respondents : Mr. V.Bhimanna, Addl.CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V.NEELADRI RAO : VICE CHAIRMAN

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

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OA.420/93

Judgement

(As per Hon. Mr. A.B. Gorthi, Member (Admn.))

Heard Sri P.B. Vijayakumar, learned counsel for the applicants and Sri V. Bbimanna, learned counsel for the respondents.

2. All the applicants herein ~~who~~ were initially engaged as casual Telephone Operators Grade II under the Eastern Naval Command, Visakhapatnam, on various dates between 1970 and 1982. They were subsequently regularised in the said post on different dates between 1971 and 1984. Their prayer in this OA is for a direction to the respondents to treat them as having been regularised from the dates of their initial engagement.

3. The respondents refuted the claim of the applicants and stated that the applicants were initially engaged on a casual basis as there were no regular posts of Telephone Operators Grade II available. As and when such posts were sanctioned or became available, candidates were considered for regularisation and were absorbed as per the extant instructions. The contention of the respondents is that there was no question of regularising them from the dates of their initial engagements as there were no regular posts available at that time.

4. Learned counsel for the applicants has drawn our attention to the fact that similarly situated civil casual employees of the Navy approached the AP High

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Court in Writ Appeal No.239/80 in which it was ordered that the service of the petitioner, therein may be regularised from the date of initial appointment. Similarly situated some other employees approached the Tribunal in OA.79/90 wherein also an order was issued on 26-3-1991 directing that the applicants therein would be deemed to be regularised from the dates of their initial engagement. The applicants therein were Lower Division Clerks. In yet another case (OA.2144/93 on the file of Ernakulam Bench of the Tribunal) wherein the applicants were also Telephone Operators Grade II, the Tribunal directed the respondents to verify whether the applicants therein were similarly situated as the applicants in OA.383/91 and if satisfied to grant the applicants the same benefits as were given to the applicants in OA.383/91. In compliance with the said order, Headquarters, Southern Naval Command, issued order dated 12-5-1994 stating that the applicants (Telephone Operators Grade II) would be given the benefits of the judgement in OA.383/91 and as such would be given regularisation from the dates of their initial engagement.

5. Having heard the counsel for the parties and having perused material papers, we are satisfied that the applicants herein are similarly situated and as the applicants in OA.2144/93 and OA.383/91. There is no reason why the applicants before us should not be given the same benefits as were extended to the applicants in the aforesaid OAs.

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6. Accordingly, this application is disposed of with a direction to the respondents to treat the applicants as having been regularised from the dates of their initial engagements as casual Telephone Operators Grade II. Consequential monetary benefits will be calculated on a notional basis; but arrears accruing will be admissible to the applicants with effect from 1-4-1992 i.e. one year prior to the date of filing this OA. No order as to costs.

(A.B. Gorthi)
Member (Admn)

(V. Neeladri Rao)
Vice Chairman

Dated : August 30, 94
Dictated in the Open Court

Dy.Registrar(Judl).

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Copy to:-

1. Secretary, Defence, Union of India, New Delhi.
2. Flag Officer, Commanding-in-Chief, Eastern Naval Command, Visakhapatnam-14.
3. One copy to Mr. P.B. Vijayakumar, Advocate, CAT, Hyderabad.
4. One copy to Mr. V. Bhimanna, Adml. CGSC, CAT, Hyderabad.
5. One copy to Library, CAT, Hyd.
6. One spare.

kku.

Aug 31 20/94

08-420/73

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

f B. Gonthi
THE HON'BLE MR. R. RANGARAJAN : M (A.M.)

DATE: 30-8-94

ORDER/JUDGMENT

~~M.A.No./R.A/C.A.No.~~

O.A.No. 420/73

~~(T.A.No.)~~

~~(W.P.No.)~~

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

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