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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 602/94.

Dt. of Decision : 28.7.94.

- | | |
|-----------------------|-----------------------|
| 1. D.N. Murthy | 11. A. Malleswara Rao |
| 2. P.S.S. Sastry | 12. K. Sobha Rani |
| 3. P. Suryanarayana | 13. B. Srinivas |
| 4. B. Seshavatharam | 14. T. Nageswara Rao |
| 5. N. Mohanarao | 15. B. Trinadha Rao |
| 6. M. Venkateswararao | 16. P. Appa Rao |
| 8. K. R. Khadga Naik | 17. Kantamsatti |
| 9. T. Sekhararao | 19. A. Mohan Kumar |
| 10. M. Murali Krishna | 20. M. Apparao |
- .. Applicants.

Vs

1. Union of India, rep. by
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 Applicant : Mr. T.V.V.S. Murthy, for Sri 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. GORTHY : MEMBER (ADMN.)

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O.A.No.602/94

Dt. 28.7.1994

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

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The relief claimed by the applicants herein is for a direction to the respondents to regularise their services w.e.f. the dates of their initial appointment as temporary (casual) L.D.C./Telephone Operators in the -----

2. All the applicants were appointed as temporary (casual) IDC/Telephone Operators under Headquarters Eastern Naval Command during the period 1978-81. They were given central scales of pay and they were engaged after having been sponsored by the employment exchange, Visakhapatnam. They continued to work with the usual intermitant technical breaks without the benefit of being regularised. 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 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 &} ~~to hold~~ because the judgement was delivered by the High Court as early as ~~in~~ 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.

4. Learned counsel for the applicants has ^{also} ~~also~~ stated that the Bombay Bench ^{judgement} ~~judgement~~ 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 ~~of~~ the large number of applicants are ^{still} seeking relief through this Tribunal.

5. 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 ☐

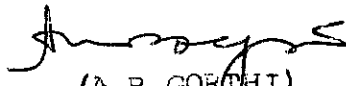
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temporary (casual) L.D.C. Consequential monetary
benefits ^{however,} will be paid to the applicants only from the
date one year prior to the filing of this OA i.e.
with effect from 1.4.93. No order as to costs.


(A.B. GORTHY)
Member (Admn.)


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

Dated: 28th July, 1994

(Dictated in Open Court)


DEPUTY REGISTRAR(J)

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Copy to:

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

YLKR

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Re 4/8 day.

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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. GORTHY: MEMBER (A)

Dated: 28-7-94

ORDER/JUDGMENT.

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

D.A.NO.

602/94

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.

