

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

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ORIGINAL-APPLICATION-NO.1304-OF-1994

DATE-OF-ORDER:-30th-April,-1997

BETWEEN:

1. M.Ganesh Babu,
2. J.Jayaraj,
3. P.Jagadish Prasad,
4. M.Radhakrishna,
5. SV Ramana Murthy,
6. S.Surya Pratap,
7. E.Anthony,
8. VL Narayana,
9. P.S.Prakasa Rao,
10. B.Subramanyam

.. APPLICANTS

AND

1. The Secretary,
Ministry of Defence,
Govt. of India, New Delhi,
2. The Director of Naval Armament,
Inspection, Naval Headquarters,
New Delhi,
3. The Chief Inspector of Naval Armament,
Inspectorate of Naval Armament,
Visakhapatnam,
4. the Controllorate of Naval Armament
Inspection,
P.O.Kanchanbagh,
Hyderabad 500258.

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: Mr.K.SUDHAKAR REDDY

COUNSEL FOR THE RESPONDENTS:Mr.NV RAMANA,ADDL.CGSC

CORAM:


HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

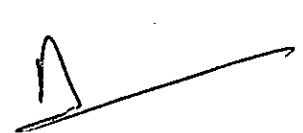
HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.K.Sudhakar Reddy, learned counsel for the applicants and Mr.V.Rajeswara Rao for Mr.N.V.Ramana, learned standing counsel for the respondents.





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2. There are 10 applicants in this OA. Presently they are working in Naval Armament, Visakhapatnam under R-3 and R-4 as Foreman, Sr.Foreman and Chargeman in different centres of the Naval Inspection Organisation. Aggrieved by the refusal of the authorities to count their service from the date of their casual appointment for the purpose of seniority etc, they filed this OA. The relief prayed for is for a direction to the respondents to regularise the services of the applicants from the date of their initial appointment on Casual basis as per the details given in Annexure-II ignoring the artificial breaks with all consequential benefits.

3. The learned counsel for the applicants brought to our notice that the applicants in this OA ~~were~~^{are} placed similarly to the applicants in OA 259/91 which was disposed of on 27.10.93. The applicants further submit that they submitted representations on 3/25.11.93 to the authorities concerned for granting them ~~some~~^{same} relief as was given for the applicants in OA 259/91. That representation was disposed of by the impugned order No.VI/1109 dated 31.12.93 (Page 17 of the OA) rejecting their representation on the ground that the benefits of the C.A.T., Hyderabad Bench judgement in OA 259/91 given for the other employees cannot be extended to them. Hence the applicants have filed this OA praying as above.

4. When we enquired from the learned counsel for the respondents whether this case is covered by the judgement in OA 259/91, he submitted that this OA is barred by limitation and further contended that the settled seniority position

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cannot be ~~re~~^{wm}-settled at this stage. He further contended that the regularisation is based on the availability of the vacancies. From the judgement in OA 259/91, we find that all these contentions were suitably considered and answered in the judgement. The question of limitation was also taken into account and because of that only the financial benefits were restricted in that OA only from one year prior to filing of that OA.

5. In view of what is stated above, we find that there is no need to differ from the judgment as given in OA 259/91 but restricting the financial benefits only from one year earlier to filing of this OA.


6. In the result, the following direction is given:-

In the conceptus of the facts and circumstances of the case, we are of the opinion that the applicants herein are entitled for regularisation from the date of their initial appointment in service. Accordingly, we direct the respondents 1 to 4 to regularise the services of the applicants herein from the date of their initial appointment ignoring the artificial breaks in service. The applicants are entitled to all consequential benefits including the seniority as a result of this regularisation. However, we make it clear that the financial benefits accrued by way of arrears, if any, will be paid to them only from 3.10.93 that is a year prior to filing of this OA (This OA was filed on 3.10.94). The seniority list has to be ^{reconst}regulated expeditiously as per the directions given above. Time for compliance is five months from the date of receipt of the judgement.


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7. The OA is disposed of as above. No order as to costs.

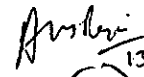

(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

304-97


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: -30th-April, -1997
Dictated in the open court.

vsn


130th.
D. R. (J)