

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A.1405/94.

Dt. of Decision : 1-5-97.

1. M.N. Murthy
2. A. Naga Raju
3. SK. Meera
4. K. Rama Rao
5. N. Ali
6. Appa Rao
7. K. Musalayya
8. J. Anthoni
9. G. Appa Rao
10. F. Appa Rao
11. A. Appa Rao
12. Ch. Venkata Rao
13. K. Venku Naidu
14. V. Sri Hari
15. K. Nocka Raju
16. P. Abu Rao
17. Y. Srinivachalam
18. SV. Ramana
19. T. Viappa
20. Ch. Rama Rao
21. G. Prasad Rao
22. L. Jagannadham
23. N. Appa Rao
24. M. Appa Rao
25. S. Guruvulu
26. V. Raja Rao

.. Applicants.

Vs

1. The Secretary, Min. of Defence,
Govt. of India, New Delhi.
2. The Chief of Naval Staff,
Naval Headquarters, New Delhi
3. The Flag Officer Commanding-
in-Chief, ENC.,
Visakhapatnam.
4. The Material Superintendent,
Materials Organisation,
Visakhapatnam.

.. Respondents.

Counsel for the applicants : Mr. K. Sudhakar Reddy for
Mr. P. S. N. Murthy

Counsel for the respondents : Mr. V. Rajeswara Rao, Addl. CGSC.

CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B. S. JAI PARAMESHWAR : MEMBER (JUDG.)

ORDER

GRAL CRDER (PER HON'BLE SHRI R.RANCARAJAN : MEMBER (ADMN.)

for Mr.P.S.N.Murthy,
Hearc Mr.K.Sudhakar Reddy/ learned counsel for the
Rao,
applicants and Mr.V.Rajeswara/ learned counsel for the
respondents.

2. There are 26 applicants in this OA. Presently they are
working in Naval Armament/ Visakhapatnam as Artisan and unskilled
labour^{ers} under R-3 in different centres of 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^{have} filed this OA. The relief
prayed for in this OA is to regularise the services of the applicants from the date of their
initial appointment on casual basis as per the details given in
enclosures-4 page-13 ~~as~~ to the OA ignoring the artificial breaks
with all consequential ~~as~~ benefits.

3. The learned counsel for the applicants brought to our
notice that the applicants in this OA are placed similarly to
the applicants in OA.259/91 which was disposed of on 27-10-93.
The applicants further submit^s that they submitted representations
on various dates to the ~~.....~~ ~~.....~~ granting them
same relief as was given for the applicants in OA.259/91. That
representation was disposed of by the impugned order No.NS/E/
1059/Misc dated 28-05-94 (Page-56 ~~as~~ to the OA) rejecting their
representation on the ground that the benefits of the CAT, Hyderabad
Bench judgement in OA.259/91 ~~as~~ given for other employees cannot
be extended to them. It is also stated that ~~as~~ the individuals
appointed to Government service for the ~~.....~~
~~.....~~ to the availability of regular posts. Hence, the ~~as~~
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 cannot be un-settled at this stage. He further contended that the regularisation is based on the availability of the vacancies. The applicants in this OA are industrial employees whereas the applicants in OA.259/91 belong to non-industrial employees. Hence, that judgement is not applicable to the present applicants.

5. From the judgement in CA.259/91 we find all these contentions were suitably considered and answered in the judgement. The question of limitation was also taken into account and because of that, ~~as~~ only the financial benefits were restricted in that OA only from one year prior to filing of the OA. We do not consider that the fixation of seniority depends on the place in which the applicants are working. They are industrial or non-industrial the seniority principles are the same. Hence, we do not consider that the distinction made between the applicants in CA.259/91 and the present OA is not called for. It is further stated for the respondents that the case of the applicants are under scrutiny. But we found from the memorandum No. CE/9303/170 dated 26-7-95 that instructions were issued to the lower formation of the Naval establishment to implement the in 1995 the prayer as sought for in this OA. The learned counsel for the ~~respondents~~ applicants submit that though more than about two years have elapsed no further action has been taken. When the respondents themselves are anxious to consider the case of the applicants in regard to their request made in this OA we do not find any reason in not following the judgement given in CA.259/91.

in not following the judgement given in OA.259/91.

b. IN VIEW OF WHAT IS STATED ABOVE, WE FIND THAT THERE IS NO
need to differ from the judgement as given in OA.259/91 ^{and the OA} ~~by~~
^{may be allowed} restricting the financial benefits from only from one year earlier
to filing of this OA.

7. 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 No 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 10-11-93 that is a year prior to filing of this OA (This OA was filed on 10-11-94). The seniority list has to be recast expeditiously as per the directions given above. Time for compliance is five months from the date of receipt of the judgement.

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

प्राप्तिकृत प्रति
प्राप्तिकृत प्रति का प्राप्तिकृत प्रति
H C Suneel Rao
कानूनी अधिकारी
COURT OFFICER
केंद्रीय राजीनीतिक अधिकारण
Central Administrative Tribunal
हैदराबाद व्याख्यान
HYDERABAD BENCH
(415) 82

BEFORE THE CENTRAL
ADMINISTRATIVE TRIBUNAL BENCH
AT HYDERABAD

C.P. NO: OF 2006

IN

O.A. NO: 1405 OF 2004



CONTEMPT PETITION

CH. SUDHAKAR BABU
COUNSEL FOR THE APPLICANTS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT HYDERABAD

C.P.NO: OF 2006

IN

O.A. NO: 1405 OF 1994

BETWEEN:

G. Prasad Rao and others

APPLICANTS

AND:

Admiral Arun Prakash and others

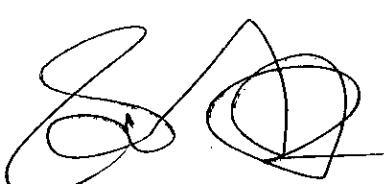
RESPONDENTS

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HYDERABAD,

DATE: 10/01/06


COUNSEL FOR THE PETITIONERS

CONTEMPT PETITION U/SEC 17 OF THE
ADMINISTRATIVE TRIBUNALS ACT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT HYDERABAD

C.P.NO: OF 2006

IN

O.A. NO: 1405 OF 1994

BETWEEN:

1. G. Prasad Rao, S/o Simha Chalam late,
Aged: 55 years, ICE, FTR, HSK-I, M.T.Section
M.O [V], Eastern Naval Command, Visakhapatnam.
2. G. Gippa S/o Samalu late,
Aged 57 years, USL, SH-2, M.O [V],
Eastern Naval Command, Visakhapatnam.
3. S.V. Ramana S/o Jaganadham late,
Aged: 56 years, USL, M.O [V],
Eastern Naval Command, Visakhapatnam.
4. P. Appa Rao, S/o P. Appala Swamy late,
Aged: 56 years, Packer, M.O [V],
Eastern Naval Command, Visakhapatnam. APPLICANTS

AND:

1. Admiral Arun Prakash,
The Chief of Naval Staff,
Naval Headquarters, New Delhi,
2. Vice Admiral Suresh Mehata,
The Flag Officer Commanding-in-Chief,
Eastern Naval Command, Visakhapatnam-14.
3. Commodore K. Panpalia,
The Material Superintendent,
Materials Organization,
Kancharapalem Post, Visakhapatnam-8. RESPONDENTS

The address for the purpose of service of notices
on the petitioners is that of his counsel **CH SUDHAKAR**

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BABU, ADVOCATE, Flat No: 401; 'A' Block; Hi-line
Arcade; Bholakpur; Musheerabad 'X' Roads; Hyderabad.

It is, therefore, prayed this Hon'ble Tribunal may be pleased to summon, try and punish the respondents for violation of the orders of the Hon'ble Tribunal in O.A. NO: 1405 of 1994 dt: 01-05-1997 in the interest of justice as otherwise the petitioners will be put to irreparable loss and injury and pass such other order or orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

H Y D E R A B A D,

DATE: 6/09/06.



S. Babu
COUNSEL FOR THE PETITIONER