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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

\*\*\*

C.A. 1405/94.

Dt. of Decision : 1-5-97.

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

.. 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 (JUDL.)

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-2-

ORDER

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

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

2. There are 26 applicants in this OA. Presently they are working in Naval Armament <sup>Depot,</sup> Visakhapatnam as Artisan and unskilled labour <sup>ers</sup> under K-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 <sup>have</sup> filed this OA. The relief prayed for in this OA is for - <sup>to</sup> 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 ~~of~~ to the OA ignoring the artificial breaks with all consequential ~~in~~ 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 that they submitted representations on various dates to the ~~authorities~~ 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 ~~of~~ to the OA) rejecting their representation on the ground that the benefits of the CAT, Hyderabad Bench judgement in OA.259/91 ~~was~~ given for other employees cannot be extended to them. It is also stated that ~~that~~ the individuals appointed to Government service for the ~~reason~~ subject to the availability of regular posts. Hence, the ~~applicants~~ 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 OA.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, ~~only~~ 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. <sup>whether</sup> They are industrial or non-industrial the seniority principles are <sup>the</sup> same. Hence, we do not consider that the distinction made between the applicants in OA.259/91 and the present OA <sup>on the basis of the place of working</sup> 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 prayer as sought for in this OA. <sup>in 1995 itself</sup> The learned counsel for the ~~respondents~~ applicants submit that though more than about two years <sup>have elapsed</sup> ~~over~~ 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 reasons in not following the judgement given in OA.259/91.

6. 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 <sup>and the OA</sup> ~~by~~ <sup>may be allowed</sup> 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 Nos 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<sup>t</sup><sub>2</sub> 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.

*J. C. Jones*

कोर्ट ऑफिसरी  
COURT OFFICER

केन्द्रिय प्रशासनिक अधिकरण  
Central Administrative Tribunal

హైదరాబాద్ బెంచ్  
HYDERABAD BENCH

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: 10/9/06

  
COUNSEL FOR THE PETITIONERS

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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:

60/09/08.



COUNSEL FOR THE PETITIONER