

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL-APPLICATION-NO.1591-OF-1994

DATE-OF-ORDER:-8th-May,-1997

BETWEEN:

1. A.Satyanarayana,
2. T.Prasad,
3. BSR Prasad,
4. K.Arjun,
5. A.Surilbabu,
6. K.Appanna,
7. G.Nagaraju,
8. G.Prakash Kumar,
9. M.A.Babu,
10. M.Sashikumar,
11. R.Swaminaidu,
12. G.Krishan,
13. M.Prasada Rao,
14. G.V.Apparao,
15. M.Jagadeeswari.

.. APPLICANTS

AND

1. The Flag Officer Commanding-in-Chief,
Eastern Naval Command, HQ Naval Base,
Visakhapatnam 530 014,
2. The Commanding Officer,
INS Dega, Airport, Visakhapatnam,
3. Union of India represented by its
Secretary, Ministry of Defence,
New Delhi.

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: Mr.P.B.VIJAYA KUMAR

COUNSEL FOR THE RESPONDENTS:Mr.N.R.DEVARAJ, Sr.CGSC

CORAM:

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

ORDER

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

Heard Mr.P.B.Vijaya Kumar, learned counsel for the
applciant and Mr.W.Satyanarayana for Mr.N.R.Devaraj,
learned standing counsel for the respondents.

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2. There are 15 applicants in this OA. They are working as Casual Labourers under R-1 and R-2. They submit that their juniors are continued whereas they being seniors are discharged from service from 1.1.95. They also submit that they are to be regularised in the service. They further request for a direction to the respondents to extend equal pay to them on par with regular unskilled labourers. As stated earlier, the prayer in this OA consists of two reliefs:-

(i) Direction to regularise their service;

(ii) To pay them on par with the unskilled labourers.

3. In this OA an interim order was passed on 30.12.94. The interim order reads as below:-

"Until further orders in this OA, the applicants should not be removed from service so long as their juniors in this seniority unit are continued".

4. When the OA was taken up for final hearing, the learned counsel for the applicants submitted that they are not discharged from their service and they are still continuing in service. He also submitted that he is not insisting for equal pay for equal work on par with the unskilled labourers at this juncture. He also submits that the regularisation may take place in the turn in accordance




with the rules but the interim order as given above may be confirmed.

5. A reply has been filed in this OA. When the substantial post or relief are not required at this juncture except confirming the interim order dated 30.12.94, it is not necessary to express any opinion in regard to the contentions raised by the respondents in this OA. It is a normal rule that the juniors are to be retrenched first if there is no work. Hence I find that the interim order given is very reasonable and if the juniors to the applicants are continuing there is no reason to discharge the applicants from service if there is work. In that view, it is justifiable to confirm the interim order dated 30.12.94.

6. The learned counsel for the respondents also submitted that he has no objection in confirming the interim order given in this OA but he added that their regularisation can be considered only in their turn in accordance with the rules.

7. A similar view has also been taken in OA No.71 of 1992.

8. In view of the above, the OA is disposed of confirming the interim order dated 30.12.94 in this OA. The respondents may consider the case of the applicants for regularisation as and when it arises in accordance with the rules. I do not express any opinion in regard to the prayer of equal pay for equal work on par with the



unskilled labourers. That issue is left open for adjudication at a future date as and when it comes up for adjudication.

9. The O.A. is ordered accordingly. No order as to costs.



(R. RANGARAJAN)
MEMBER (Admn.)

DATED:-8th-May,-1997
Dictated in the open court.

vsn

Handwritten notes:
D.R.(J) 9/6/97

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Copy to:

1. The Flag Officer, Commanding in Chief,
Eastern Naval Command, HQ Naval Base,
Visakhapatnam.
2. The Commanding Officer, INS Dega, Airport,
Visakhapatnam.
3. The Secretary, Min. of Defence, New Delhi.
4. One copy to Mr. P. B. Vijaya Kumar, Advocate, CAT, Hyderabad.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to D. R (A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

17/6/97
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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: M
(3)

DATED: 8/5/97

ORDER/JUDGEMENT

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

in

O.A.NO. 1591/94

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as Withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

