

65

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.1043 of 1994.

Between

1. S.V.Ramanamurthy.
2. P.Ramakrishnarae.
3. G.Gopal.
4. MVR. Manohar.
5. B.Seloman Raju.
6. PKRP Gandhi.
7. B.Venkata Rao.
8. T.Basavanna

Dated: 2.1.1996.

... Applicants

And

1. Secretary, Ministry of Defence, Govt. of India, New Delhi.
2. Chief of Naval Staff, NHQ, DHQ, PO, New Delhi.
3. Flag Officer Commanding in Chief, HQENC, Visakhapatnam.
4. Director of Naval Armament Inspection, NHQ, New Delhi.
5. Chief Inspector of Naval Armament, NAI, Visakhapatnam.

... Respondents

Counsel for the Applicants : Sri. P.S.N.Murthy & Sri. K.S.Reddy

Counsel for the Respondents : Sri. N.R.Devaraj, Sr. CGSC.

CORAM:

Hon'ble Mr. Justice V.Neeladri Rao, Vice Chairman

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:...2/-

O.A.No.1043/94.

Date:2.1.1996.

JUDGMENT

() as per Hon'ble Sri R.Rangarajan, Member(Administrative) ()

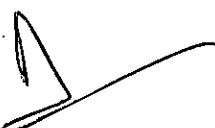
Heard Sri K.Sudhakar Reddy for Sri P.S.N.Murthy, learned counsel for the applicants and Sri N.R.Devaraj, learned Sr.Standing Counsel for the respondents.

2. This OA is filed praying for a direction to the respondents to regularise the services of the applicants herein from the date of their initial casual appointment condoning the breaks if any, with all service benefits

27.10.1993.

3. All the applicants herein were initially appointed as Casual Mechanic Examiners, (subsequently redesignated as Senior Chargeman (Mechanical)) on various dates as indicated in para-4 (page-3) of the O.A. They were all regularised on various dates during the years 1981 and 1990. The dates of regularisation of each applicant except in case of Sri T.Basavanna (Applicant No.8) are furnished in para-4 (page-3) of the O.A. Though the date of regularisation of Applicant No.8 (Sri T.Basavanna) is not furnished, it is stated for the said applicant that he has also been regularised. The said relevant date has to be ascertained from the records. The relief prayed in this OA is for regularisation of applicant from the dates of their initial casual appointment as was done in the case of applicants in OA 259/91 which was decided on 27.10.1993.

..3/-



4. The applicants numbering 33 in OA 259/91 were also appointed as Casual Mechanic Examiners who were subsequently redesignated as Sr.Chargeman (Mech.). Relying on the circulars issued by Ministry of Defence dt. 26.9.1966, 24.11.1967 and 19.11.1983 it was decided by this Tribunal in the above quoted OA that the dates of their initial casual appointment ignoring the artificial breaks in service with all consequential benefits such as seniority, arrears of pay etc.

5. Sri N.R.Devaraj, learned Standing Counsel for respondents argued this case on the basis of draft reply statement which was reported to have been sent for approval to the concerned.

6. After going through the judgment in OA 259/91 we come to the conclusion that the prayer in this OA is same as prayed for in OA 259/91 and also the applicants herein are similarly situated and hence this OA is covered by the judgment in OA 259/91 decided on 27.10.93 wherein both of us were parties to the judgment.

7. In view of the above, we follow the judgment in the above referred OA 259/91 dt. 27.10.93 and direct as follows:

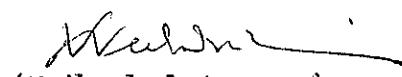
In the conspectus of the facts and circumstances of this case, we are of the opinion that the applicants their initial appointment in service. R-1 to 3 have to regularise their services from the date of their initial appointment ignoring the artificial breaks in service.

: 4 :

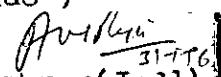
The applicants are entitled to all consequential benefits including seniority as a result of their regularisation. However, we make it clear that the financial benefits accrued by way of arrears if any will be paid to them only from 17.8.1993 i.e. a year prior to the date of filing of this O.A. The seniority list has to be recast expeditiously as per the directions given above preferably within a period of 3 months from the date of receipt of ~~xxx~~ a copy of this judgment.

8. The OA is ordered accordingly. No costs. //


(Rekha Kumar)


(V. Neeladri Rao)

Dated 2nd January, 1996.
Dictated in open court.

Dy. Registrar (Judl) 
31-1-96

Grh.

Copy to:-

1. Secretary, Ministry of Defence, Government of India, New Delhi.
2. Chief of Naval Staff, NHQ, DHQ, PO, New Delhi.
3. Flag Officer Commanding in Chief, HQENC, Visakhapatnam.
4. Director of Naval Armament Inspection, NHQ, New Delhi.
5. Chief Inspector of Naval Armament, NAI, Visakhapatnam.
6. One copy to Mr. P.S.N. Murthy & Sri K.S. Reddy, Advocates, 1-142, Susarla Colony, Baji Junction, Visakhapatnam-27,
7. One copy to Mr. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

kku.

OA.1043/94

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

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

Dated 2-1-1996

ORDER/JUDGMENT

M.A/R.A./C.A.No.

O.A.No.

T.A.NO.

(W.P.NO.)

Admitted and Interim directions issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No Space (copy)

Central Administrative Tribunal

Hyderabad Bench

- 8 FEB 1996

Hyderabad Bench
HYDERABAD BENCH