

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.739/94

DATE OF ORDER : 25-07-1997.

Between :-

A.Tula sidas

... Applicant



1. Union of India,
rep. by its Secretary for
Ministry of Personnel, Public Grievances &
Pensions, Dept. of Personnel & Training,
New Delhi.
2. The Chief of the Naval Staff,
Naval Head Quarters,
New Delhi.
3. The Flag Officer Commanding in Chief,
Head Quarters, Eastern Naval Command,
Visakhapatnam.
4. The Commanding Officer,
INS Circars,
Visakhapatnam.
5. Officer-in-Charge,
Command Transport Pool (Visakhapatnam),
Naval Base, Visakhapatnam.

... Respondents

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Shri S. Krishna

Counsel for the Respondents : Shri Kota Bhaskar Rao, Addl.CGSC

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CORAM:

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

(Order per Hon'ble Shri H.Rajendra Prasad, Member (A)). *Sd/-*

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regularised, the applicant's case was not similarly considered. The reason for this exclusion is explained by the fact that, after 26-12-83, owing to non-sanction of any new post of casual labourers by the Command Headquarters, none of the 3 candidates i.e., the applicant as well as Mr. Appanna and Mr. Srihari Rao, could be engaged regularly. All 3 of them were therefore asked to work in certain work-spots in non-official activity like Command Non-Public Transport Pool or Ration Issue Stand or on similar other non-official regimental tasks. The learned additional Standing Counsel explained that the conduct of non-Public Fund in the NAVY is essential concerned with regulation of certain activities which are not officially financed from Public Fund but are, nevertheless, important enough from the regimental point of view and are required to be attended to through non-public fund resources.

6. It is evident that the applicant as well as the two ~~other two~~ deployed in a manner similar to one another in vacancies of unskilled labourers and were ^{later} utilised similarly in non-public fund activity. However, the difference between applicant and the other two is that, whereas the former worked for certain period between January, 1982 to November, 1983 only, the other two officials worked as Casual Labourers from 1982 through 1986. The Board of Officers which scrutinised the cases and claims of all casual labourers in August, 1991, was guided solely by the basic eligibility conditions, like number of days of engagement and the precise period of such engagement. The position was that the applicant, not being in service in 1985-by then he had been working in non-public fund activities for the preceding 2 years-was not eligible to be considered. In-

of government. He further prays for a direction to the respondents to regularise his services with effect from the date of his initial engagement with all consequential benefits.

3. One of the strong ground projected by the applicant is that for a long time he had been made to perform duties of clerical Command, and further more that he was actually performing the duties and handling official correspondence which could be only done by a regularly employed clerk.

4. The respondents in their counter-statement that the applicant had been engaged to work as Casual Labourer in temporary vacancies against specific sanctions issued from time to time by the command Headquarters. The actual details of the number of days^a duties performed, months in which these were performed and the relevant sanction issued by the higher formation in respect of works in which the applicant was engaged, were produced by the respondents at the time of the final hearing.

5. The main contention of the respondents is that when the scheme for regularisation of services of unskilled casual labourers was ~~being~~ the applicant was neither engaged as Casual Labourer nor did he come up with his claim before the concerned authorities. The applicant says that he was himself unaware of the scheme and no one told him about it. Whatever be the truth or otherwise, the fact remains that whereas the 2 officials viz., Mr. Srihari Rao and Mr. Appanna, who, according to the applicant, were his juniors having been engaged from ^a date later than himself, were duly considered and

service in various units in the Navy, no matter in which capacity or what status. They very fact that he has been performing clerical duties, and which he continues to do even at present, indicates that his services were apparently found useful and efficient. Considering this background, the respondents ought to extend the benefit of any provision which might enable him to improve his service prospects under any scheme of the Government in future. On this optimistic note this case is disposed of in terms of the above order. It was repeatedly submitted by the learned counsel for the applicant that the applicant desires to submit a representation for reconsideration of his case. He may do so, and the respondents are free to take an appropriate decision within a reasonable time.

10. No order as to costs.

प्रमाणित प्रति
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न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH

केस संख्या	CASE NUMBER	4739/29
निर्णय का तारीख	Date of Judgement	25-7-97
प्रति तैयार किया गया दिन	Copy Made Ready on	2-8-97
अनुमोदित अधिकारी (नव विभाग) Section Officer (J)		