

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.605/95

Date of Order: 23.6.97

BETWEEN :

1. H.Nana	5. Md.A.Khadar
2. K.V.S.R.Murthy	6. N.Rama Rao
3. K.Suryanarayana	7. K.Krishna Rao
4. B.Appala Naidu	8. Y.Krishna .. Applicants.

AND

1. The Secretary, Ministry of Defence, South Block DHQ PO New Delhi-1.	
2. The Chief of the Naval Staff New Headquarters, DHQ PO,	
3. The Flag Officer Commanding in Chief, Headquarters, Eastern Naval Command, Naval Base, Visakhapatnam-14.	
4. The Material Superintendent, Material Organisation, Kancharapalem (PO), Visakhapatnam - 8.	.. Respondents.

Counsel for the Applicants

.. Mr.GV.Subba Rao

Counsel for the Respondents

.. Mr.V.Bhimanna

CORAM:

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

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

JUDGMENT

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Heard Mr.G.V.Subba Rao, learned counsel for the applicant and Mr.V.Bhimanna, learned standing counsel for the respondents.

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2. There are eight applicants in this OA. They are working in Eastern Naval Command, Visakhapatnam as Assistant Store Keepers presently. They were initially appointed as casual assistant store keepers during the year 1977 purely on the casual basis against the short term vacancies created for the specific purpose. In the course of time the vacancies of one year were extended and to meet long term requirements senior-most amongst the casual employees were appointed against those vacancies and ~~they were~~ ^{they were} continued for one year without any break ~~and~~ they were ~~also~~ confirmed as regular employees. The applicants in this OA submit that they are similarly situated to the applicants in OA.1453/93 decided on 30.3.94. The applicants in OA.1453/93 were given seniority from the date of their casual engagement in terms of the judgement of this Tribunal dt. 30.3.94. The applicants also submit that the Naval Dockyard has decided to extend the seniority from the date of the initial appointment of the casual labourers in terms of the letter dt. 26.6.95. In view of the above, the applicants herein submits that their cases should be considered on par with the applicants in OA.1453/93 as they ~~were~~ similarly situated and the relief as granted to them by the respondents in OA.1453/93 should be extended to the applicants herein also.

3. This OA is filed for extending the benefit of the judgement in OA.1453/93 dt. 30.3.94 to the applicants herein as they are similarly situated.

4. A reply has been filed in this OA. This is a very short reply. Paras 1 and 2 of the reply only gives the

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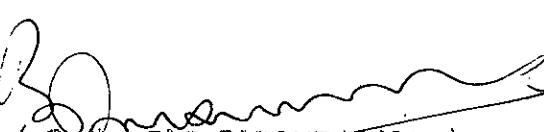
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history of this case. In para-3 of the reply, the judgement of this Tribunal in OA.1453/93 decided on 30.3.94 has been extracted and para-4 of the reply states that the judgement has been implemented in the case of applicants in OA.1453/93. In para-5 of the reply the respondents straightaway dismissed the application of the applicants herein to reckon their seniority from the date of initial appointment on casual basis. No where it is explained whether they are similarly treated as applicants in OA.1453/93 or not. Such a bald reply rejecting the claim cannot be accepted. The learned counsel for the respondents at the bar submitted that the same benefits as given to the applicants in OA.1453/93 will also be extended to the applicants herein.

5. In view of the above submission of the learned counsel for the respondents the OA is disposed of directing the respondents to extend the same benefit as was given to the applicants in OA. 1453/93 on the basis of the judgement in that OA dt. 30.3.94. Time for compliance is 3 months from the date of receipt of a copy of this order.

6. The OA is ordered with no costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)


(R. RANGARAJAN)
Member (Admn.)

23/6/97

Dated: 23rd June, 1997

(Dictated in Open Court)

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D.R. (J)

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Copy to:

1. The Secretary, Min. of Defence, South Block, DHQ P.O., New Delhi.
2. The Chief of Naval Staff, Naval Head Quarters, DHQ P.O., New Delhi.
3. The Flag Officer, Commanding in Chief, Head Quarters, Eastern Naval Command, Naval Base, Visakhapatnam.
4. The Material Superintendent, Material Organisation, Kancharapalem P.O., Visakhapatnam.
5. One copy to Mr.G.V.Subba Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr.V.Bhimanna, Addl.CGSC, CAT, Hyderabad.
7. One copy to D.R(A),CAT, Hyderabad.
8. One duplicate copy.

YLKR

24/7/97

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COMPARED BY

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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
(J)

DATED 23/6/87

ORDER/JUDGEMENT

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

in

D.A. NO. 605/95

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered Rejected.

No order as to costs.

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II Court.

