

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

(18)

OA. 299/95

dt. 22-8-97

Between

1. D. Janardhana Rao
2. V. Srikanth
3. Ch. Rajareo
4. A.S. Sravana Kumar
5. M. Devi
6. M.S. Srinivasa Rao
7. B. Vara Prasad,
8. S. Abdul Azeez
9. B. Satyanarayana
10. T. Chinnababu

: Applicants

and

1. Union of India, rep. by
Secretary
Min. of Defence
New Delhi

2. Chief of Naval Staff
Naval Headquarters
New Delhi

3. Flag-Officer Commanding-in-Chief
Eastern Naval Command,
Visakhapatnam

4. General Manager
Naval Armament Depot
Visakhapatnam

: Respondents

Counsel for the applicant

: P.B. Vijaya Kumar
Advocate

Counsel for the respondents

: N.R. Devaraj
Ar. CGSC

CCRAM

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

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(19)

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Judgement

Oral order (per Hon. Mr. H. Rajendra Prasad, Member(Admn.))

Heard Mr. P.B. Vijayakumar for the applicant and Mr. N.R. Devaraj for the respondents.

1. The applicants were initially appointed on 1-12-1987 and 16-2-1988, respectively, in casual capacity and were regularised with effect from 10-3-1990. They were given artificial breaks of just one day before they were regularised which gave rise to differences in the date of their annual increments and length of service. Certain similarly-placed employees who had earlier approached this ^{of} Tribunal were granted relief/regularisation from the date of their initial engagement disregarding artificial breaks which may have occurred at times subsequent to it. The benefit of the judgement was not given to the applicants ^{now} who were similarly placed. They pray for a direction to be issued to the respondents to regularise their services with effect from the date of their initial engagement with all consequential benefits including monetary benefits and seniority.

2. This issue has had a long history of litigation and has been settled successively by the High Court of Andhra Pradesh in WP.7269/91, and also by this Bench. An order was passed in a case dealing with similar issue in OA.79/90, wherein elaborate directions were issued asking the respondents to regularise the services of the applicants therein from the date of their initial appointment ignoring the breaks in service, if any. It was held that they would be

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entitled to all consequential benefits, differences in pay, seniority and other service benefits as a result of such regularisation. This judgement was carried in SLP by the respondents and was dismissed by Hon. Supreme Court on 17-2-1993. Thereafter the judgement was followed by many other Benches, including New Bombay Bench in OA.306/88, OA.516/88 and 732/88, besides Cuttack Bench in OA.197/93. As a sequel to these judgements, the Government of India, in the Ministry of Defence decided to extend the benefits of the above judgement to even those official who were not parties to the OA but were similarly placed. The Government of India, Ministry of Defence Lr.No.CP(SC)/4834/Court case/MHQ/1375/DOP/D(N-II) dt.26-6-95 is relevant. In view of this decision there is nothing more to be agitated on this issue and the matter may well be taken as finally settled.

3. While this is so, Sri P.B. Vijaya Kumar, learned counsel for the applicant drew attention to the following:

OA.79/90 disposed of on 26-3-1991 did not contain any mention of regularisation/promotion of the applicants therein with reference to any of their junior(s) in the directions that were issued in the said OA. However, in disposing of OA.788/91 dt.21-2-1994 this Tribunal ordered as under :

"If any juniors to the applicants or to any of the applicants in the OA are given the benefits of regularisation from the date of initial appointment on the basis of the judgement of the AP High Court in WPs or the orders of this Bench in OAs than the applicant are such of the applicants are as the case may be have to be given the benefits of regularisation from the date of initial

appointment and the increments from that date and in case their going to get benefit of such regularisation the monetary benefit should be limited from 2-8-90 as this OA was presented on 2-8-91".

On a Review Application being filed the above order was modified as under on 22-9-95 :

"Even such of those applicants in the OA who are not entitled to the benefit of the order in the OA on the ground that there are no juniors who got such benefits from the Tribunal are also entitled to the same benefits."

In the light of the above modified order in the RA, Para-3 of the counter-affidavit filed by the respondents is incorrect and loses relevance.

4. Under the circumstances, and in view of the decision of the Government of India referred to above, there is no ground or scope to resist the claim of the applicants. It is, therefore, directed that necessary action be initiated to regularise the services of the applicants with effect from the date of initial appointment with all consequential and attendant benefits, including monetary benefits, if any, and seniority which would accrue to him on account of such regularisation. These benefits would be worked out and conferred on the applicants within a period of three months from the date of receipt of copy of this order.

5. Thus the OA is disposed of.

H. Rajendra Prasad
(H. Rajendra Prasad)
Member (Admn.)

Dated : August 22, 1997
Dictated in Open Court

Deputy Registrar CO

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O.A.299/95.

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To

1. The Secretary, Min. of Defence,
Union of India, New Delhi.
2. The Chief of Naval Staff Naval Headquarters,
New Delhi.
3. The Flag-Officer, Commanding-in-Chief,
Eastern Naval Command, Visakhapatnam.
4. The General Manager,
Naval Armament Depot, Visakhapatnam.
5. One copy to Mr.P.B.Vijayakumar, Advocate, CAF.Hyd.
6. One copy to Mr.N.R.Devraj, Sr.CGSC.CAF.Hyd.
7. One copy to HHRP.M.(A) CAF.Hyd.
8. One copy to D.R.(A) CAF.Hyd.
9. One spare copy.

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I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE.
VICE-CHAIRMAN

And

THE HON'BLE MR. H. RAJENDRA PRASAD ; M(A)

DATED:-

22/8/97

ORDER/JUDGMENT.

M.A.,/RA.,/C-A.No..

in

O.A.No. 299/95.

T.A.No.

(W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No.order as to costs.

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal
प्रेषण/DESPATCH

- 1 SEP 1997

हृदयवाद व्यावधीठ
HYDERABAD BENCH