

(47)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1747/97

Date of Order : 31.12.97

BETWEEN :

1. N.N.Rao
2. D.G.Saha
3. V.G.Sambandham
4. V.K.Prasad
5. S.Bhaskar Rao
6. K.Papa Rao
7. H.William
8. Ch.Maheswara Rao
9. K.Srinivasa Rao

10. G.Thomas
11. G.Raju
12. M.Sai Prasad
13. K.Tirumala Rao
14. M.Shadrach
15. P.Satyanarayana
16. K.Krishna Murthy
17. S.Appa Rao
18. T.Naguru

.. Applicants.

AND

1. The Union of India, rep. by its Secretary to Govt., Defence Ministry, New Delhi.
2. The Chief of Naval Staff, Naval Head Quarters, New Delhi.
3. The Flag Officer, Commanding in Chief, Eastern Naval Command, Visakhapatnam.
4. The Director General of Armament Supply, R.K.Puram, West Block, New Delhi.
5. The General Manager, Naval Armament Depot, Visakhapatnam.

.. Respondents.

Counsel for the Applicants

.. Mr.N Rama MohanRao

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM :

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

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

O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admnr.) X

Mr.Shiva for Mr.N.Rama Mohan Rao, learned counsel for the applicants and Mr.N.R.Devraj, learned standing counsel for the respondents.

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2. There are 18 applicants in this OA. They are now presently working as Senior Chargeman. They submitted a representation to count their service from the date of their initial appointment instead of counting the service only from the date of regularisation. That representation was rejected by the impugned order No.56/97 dated 14.4.97 (A-5).

3. This OA is filed to set aside the temporary depot order No.56/97 of R-5 in refusing to count seniority of the applicants from the date of their initial appointment in the cadre of Senior Chargeman by holding the same as arbitrary, illegal, unjust and violative of Articles 14 and 16 of Constitution of India and for a consequential direction to the respondents to count their temporary service in the cadre of Senior Chargeman from the date of their initial appointment.

4. The applicants in this OA were initially engaged as casual chargeman, some of them were in the lower grade and later promoted as Chargeman. They are under the control of R-5. The applicants were appointed during the period as indicated in para 6.(i) of the OA. The prayer in this OA has already been indicated above.

5. The learned counsel for the applicants submits that this OA is squarely covered by the judgement in OA.259/91 decided on 27.10.93. There also the prayer and the contentions are similar to this OA. Hence he requests the same direction may be given in this OA also.

6. The learned counsel for the respondents also agrees that this OA is covered by the judgement in OA.259/91. Hence the following order is given :-

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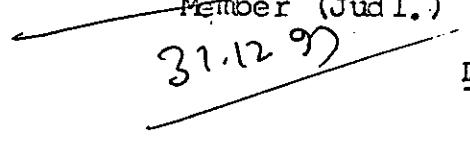


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In the conspectus of the facts and circumstances of this case, we are of the opinion that the applicants herein are entitled for regularisation from the date of their initial appointment in service. Accordingly, we direct respondents 1 to 3 to regularise the services of the applicants from the dates of their initial appointment ignoring the artificial breaks, if any, in service. The applicants are entitled to all consequential benefits including seniority as a result of this regularisation. However, we make it clear that the financial benefits accrued by way of arrears, if any, will be paid to them only from 5.12.96 i.e. a year prior to the filing of this OA. The seniority list has to be recast expeditiously as per the directions given above. The directions are to be complied within a period of 3 months from the date of receipt of a copy of this order.

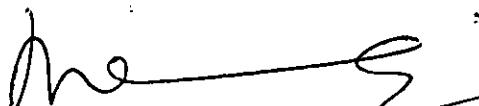
7. With the above directions the OA is disposed of at the admission stage itself. No costs.


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


31.12.97

Dated : 31st December, 1997

(Dictated in Open Court)


(R. RANGARAJAN)
Member (Admn.)


DR

sd:

Copy to:

1. The Secretary to Govt., Defence Ministry,
New Delhi.
2. Chief Naval Staff, Naval Head Quarters,
New Delhi.
3. The Flag Officer, Commanding in Chief, Eastern Naval Command,
Visakhapatnam.
4. The Director General of Armament Supply,
R.K. Puram, West Block, New Delhi.
5. The General Manager, Naval Armament Depot,
Visakhapatnam.
6. One copy to Mr. N.R. Devraj, Sr. CGSC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.
9. one Copy to Mr. N. Ram Mohan Rao, CAT, Hyd.

YLKR

12/1/98
TYPED BY
COMPARED BY

Court
CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN

AND
R. Ranigarajan
THE HON'BLE MR. H. RAJENDRA PRASAD & M(A)

And
The Hon'ble B. S. Jai Parameshwar

DATED: 31 - 12 - 1997

(H.C.)

ORDER/JUDGMENT:

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

in
O.A. No. 1742/92

T.A. No.

(W.R.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

