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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 745 OF 1997

Dated, the 8th March, '99.

BETWEEN :

1. N.A. Murthy	5. P. Mohanarao
2. J. Guruvulu	6. S. Krishna
3. S. Ramarao	7. S. Satyanarayana
4. K. Apparao	

... Applicants

A N D

1. Union of India, rep. by its Secretary, Ministry of Defence, New Delhi.
2. Chief of Staff, Naval Headquarters, New Delhi.
3. Flag Officer Commanding in Chief, Eastern Naval Command, Naval Base, Visakhapatnam.
4. Chief Staff Officer (P&A), Eastern Naval Command, Naval Base, Visakhapatnam.

... Respondents.

COUNSELS :

For the Applicants : Mr. P. B. Vijaya Kumar

For the Respondents : Mr. V. Vinod Kumar

CORAM:

THE HON'BLE MR. R. RANGARAJAN, MEMBER (ADMIN)

THE HON'BLE MR. B.S. JAI PARAMESHWAR, MEMBER (JUDL)

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O R D E R

(PER: HON'BLE MR. RA RANGARAJAN, MEMBER (ADMIN))

1. Heard Mr. P.B. Vijaya Kumar, Learned Counsel for the applicant and Mr. V. Vinod Kumar, Learned Standing Counsel for the respondents.

2. There are 7 applicants in this O.A. They submit that they were initially appointed on casual basis due to exigencies of service when regular vacancies were not available. Subsequently, when regular vacancies arose, the casual employees, including the applicants, were regularised against the sanctioned posts. ~~Subsequently, when the regular vacancies arose, the casual employees, including the applicants, were regularised against the sanctioned posts.~~

3. These casual employees, who were regularised as above, approached various Benches of this Tribunal for counting the casual service also as regular service. Bombay Bench of this Tribunal on 21.6.91 in O.A. 306/88 and on 24/25.8.89 in OAs 516 and 732 of 1988 directed the respondents for counting the casual service towards regular service of the applicants. The Bombay Bench of this Tribunal had also directed that similarly situated employees may be extended similar benefits. In pursuance to the above direction, the respondents issued letters for extending similar benefits to Non-Industrial Non-Petitioners of Government of India, Ministry of Defence letter No. CP(SC)4834/Court Case/NHQ/1375/20171/D(N-II) dated 26.6.95. The respondents further submit that in pursuance to the said letter all the applicants have been extended the monetary and benefits accrued thereon/have since been paid. However, not satisfied with the above, the applicants were pressing for counting their service rendered in Naval (Russian) Hostel.

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The respondents submit that the applicants failed to support their averments with documentary proof.

4. This O.A. is filed praying for a direction to the respondents to regularise their services of the applicants herein with effect from the date of initial engagement by taking into consideration the service under Russian Naval Hostel for all purposes with all consequential and attendant benefits, including pensionary benefits, by nullifying the decision under reference No. 277/3 dt. 12.10.95, whereby it is stated that the services rendered by the applicants against local arrangements do not count for regular service.

5. The respondents in para 4 of the reply seem to suggest that the applicants have not produced proper documents as having been engaged as Casual employees in the respondents' Russian Naval Hostel earlier to the dates mentioned in page 4 of the reply. The respondents submit that they are ready to consider the representations of the applicants if they are supported with the documentary proof that they have worked in Russian Hostel and Soviet Establishment and that they had worked as casual employees and paid from Government Funds.

6. The learned counsel for the applicants produced a letter addressed to the first applicant herein wherefrom it is seen that the applicant was engaged in the Naval Hostel as casual employee and paid from the Government revenue. He further submits that there were proofs of casual employees who were appointed and that some of them were sent to the Naval Hostel and that the applicants herein were themselves sent to the Naval Hostel at that time. Hence, the applicants submit that they cannot be deprived of the casual service rendered by them right from the date of their engagement.

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7. From the above, it is evident that the respondents are ready to reconsider the issue if the applicants submit detailed representations with documentary proof thereon. The learned Counsel for the applicants submit that the applicants will submit their representations with proof thereon very shortly. If such representations are received from the applicants, within a period of 3 months from the date of receipt of a copy of this order, those representations should be disposed off by the respondents in accordance with the Law ~~after~~ considering the claims of the applicants and also checking the files if available with the respondent authorities.

8. The representations received from the applicants should be disposed off within 3 months from the date of receipt of the same.

9. If the applicants request for personal hearing they should be given personal hearing before disposal of their representations.

10. The O.A. is ordered accordingly leaving the parties to bear their own costs.

Admder
(S. S. JAI PARAMESHWAR)

MEMBER (J)

8/3/99

me
(R. RANGARAJAN)

MEMBER (A)

Dated, the 8th March, '99.
Dictated in Open Court.

Ambedkar
8/3/99

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Copy to:

1. HONJ
2. HHRR M(A)
3. HSSJP M(J)
4. D.R.(A) ✓
5. SPARE ✓

193/99
1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:
VICE - CHAIRMAN

THE HON'BLE MR. M. S. S. PENDRA PRASAD:
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR
MEMBER (J)

DATED: 8-3-99

ORDER/ JUDGEMENT

MA./RA./CP. NO.

IN

O.A. NO. 745/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/ REJECTED

NO ORDER AS TO COSTS

SRR

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