

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.136/2017

Date of Decision :- 10.02.2017

CORAM: HON'BLE DR. MRUTYUNJAY SARANGI, MEMBER (A)
HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)

Navin Mahadev Achrekar
 Working as Store Superintendent 'C'
 as Material Organization, Dabolim-
 Goa. R/at H.No.200/1, PENHA DE
 FRANCA COELHO WADO BRITONA
 BARDEZ – GOA 403 101.
(By Advocate Shri A.I. Bhatkar)

... Applicant

VERSUS

1. The Union of India,
The Secretary, Ministry of Defence,
South Block, New Delhi 110 001.
2. The Chief of the Naval Staff,
Integrated Headquarters,
Ministry of Defence (Navy),
South Block, New Delhi 110 001.
3. The Flag Officer Commanding-in-Chief,
Headquarters, Western Naval Command,
Shahid Bhagatsingh Road,
Mumbai 400 001.
4. The Flag Officer Commanding,
Headquarters, Goa Naval Area,
VASCO-DEGAMA,
Goa – 403 802.

... Respondents

ORDER (ORAL)

Per: Dr. Mrutyunjay Sarangi, Member (A)

The Applicant has filed this OA praying
 for the following reliefs:

“8.a) This Hon'ble Tribunal will be graciously

pleased to direct the respondents to produce the various orders passed by the respondents converting the applicant as regular employee and after going through the same hold and declare that the applicant is holding post on regular basis from the date of his initial appointment for the purpose of grant of financial upgradation under the ACP/MACP Scheme.

b) The Hon'ble Tribunal will be graciously pleased to direct the respondents to grant financial upgradations to the applicant under ACP/MACP Shceme on the basis of his continous regular service from the date of his initial appointment.

c) This Hon'ble Tribunal will be graciously pleased to direct the respondents to grant all consequential benefits including arrears of pay and allowances due and admissible to the applicant.

d) This Hon'ble Tribunal will be graciously pleased to pass such other and further orders as deemed fit in the facts and circumstances of the case.

e) This Hon'ble Tribunal will be graciously pleased to pass such other and further orders as deemed fit in the facts and circumstances of the case.

f) Cost of this application be awarded to the applicant."

2. The Applicant was appointed as an Assistant Storekeeper in an officiating/temporary capacity w.e.f. 18.07.1985. In a subsequent order dated 02.12.2003, he was converted as a regular employee from the date of his initial appointment i.e. 18.07.1985. The Applicant's grievance is that his services from the initial date of joining have not been counted for the purpose of benefits under the ACP Scheme, although such benefits have been given to

similarly situated employees in his organization. The Applicant has submitted a representation on 05.03.2015 to the Chief of the Naval Staff, Integrated Headquarters, Ministry of Defence (Navy) (Respondent No.2) praying for counting of his casual service. Since no action was taken on his representation, he submitted another representation on 12.12.2016 to the Chief of the Naval Staff (Respondent No.2). As on date, both these representations are pending without action by the Respondent No.2.

3. After hearing Shri Bhatkar, learned counsel for the Applicant and perusing the documents attached to the OA, it is our view that at this stage the interest of justice will be better served, if the representations submitted by the applicant are considered by Respondent No.2. Learned counsel for the applicant prays for liberty to submit another consolidated representation within one week covering all the points raised in his previous two representations. Should such a new representation be filed with the Respondent No.2, it may also be considered along with two previous representations.

4. The Respondent No.2 is directed to consider all the representations submitted by the applicant and pass a detailed and reasoned order within a period of twelve weeks from the date of receipt of a copy of this order.

5. The Original Application is accordingly disposed of with the above directions.

(A.J. Rohee)
Member (J)

(Dr.Mrutyunjay Sarangi)
Member (A)

dm.