

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CIRCUIT COURT AT PORT BLAIR**

Original Application Nos.351/00896/2018

With

Original Application No.351/897/2018

Date of order: This, the 27th Day of March, 2019

THE HON'BLE MS. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE DR. NANDITA CHATTERJEE, ADMINISTRATIVE MEMBER

Smti Naseem Bano
W/o Shri Mohammed Ibrahim
R/o Buniyadabad
Port Blair
Working as LDC
Under the Base Logistics Office (BLO)
Haddo, Port Blair-744 102.

... Applicant in OA.896/2018

Smti Vimala Chandran
W/o Shri V C S Pillai
R/o Burmanallah
Working as LDC
Under Station House Organization (Navy)
Minnie Bay, Port Blair-744 103
South Andaman.

... Applicant in OA.897/2018

- Versus -

1. The Union of India,
Service through the Secretary,
Ministry of Defence,
Department of Navy
Sena Bhawan

New Delhi-110 011.

2. Commander-in-Chief
A & N Command
Port Blair 744 102.
3. The Chief Staff Officer
Eastern Naval Command
Naval Base, Vishakapatnam-530014
Andhra Pradesh.

... Respondents in both the OAs.

Advocate for applicant: Mr.K.Rao

Advocate for respondents: Mr.A.Prakash, proxy
counsel for Mr.G.D.S.Balan

ORDER (ORAL)

MANJULA DAS, MEMBER (J):

As both the OAs are similar in nature, they are heard together and being disposed of by this common order.

2. Both the OAs are the second round of litigations. In the first round of litigations, this Tribunal directed the respondents to dispose of the pending representations by speaking orders within two months. In compliance of the orders of this Tribunal the respondents have issued the speaking orders dated 01.09.2016 rejecting the prayer of the applicants to regularise the ad hoc service rendered prior to regularisation. Challenging

the above order dated 01.09.2016, the applicants have approached this Tribunal vide the present OAs with a prayer to direct the respondents to regularise the services of the applicant as LDA prior to regularisation.

3. Mr.K.Rao, learned counsel for the applicants submitted that vide the impugned order dated 01.09.2016, the respondents have rejected the claim of the applicants relying on certain decisions of the Hon'ble Supreme Court. According to the learned counsel, in an identical case, namely, OA.31/A&N/2008, this court vide order dated 15.04.2009 directed the respondents to fix the seniority from the date of initial appointment. The writ petition filed by the department against the aforesaid order was dismissed by the Hon'ble High Court, ~~was dismissed~~. Learned counsel further submitted in another identical case bearing OA.196/A&N/2009, this Tribunal vide order dated 14.12.2009 directed the respondents to consider regularisation of the services of the applicants therein on casual basis prior to their regularisation. The Writ Petition No.1110/2010 filed by the respondents against the order of this Tribunal was dismissed vide order dated 12.7.2011. The SLP No.CC/14755/2012 preferred by the respondents was also

dismissed by the Hon'ble Supreme Court. According to the learned counsel, the matter has attained finality and the respondents have complied with the giving seniority from the date of initial applicant, however, in applicants' cases, the respondents have declined to reckon the casual service from their initial dates of appointment, therefore, learned prays for intervention of this Tribunal.

4. We have heard the learned counsel for the applicants and perused the OA along with the documents annexed therein. We have perused the orders passed by this Tribunal in the earlier round of litigation filed by the present applicant vide which the respondents were directed to consider the pending representations of the applicants by speaking order. We have perused the representations and found that though the learned counsel for the applicants submitted that there are legal decisions in favour of the applicants but those were not ventilated before the respondents in the earlier proceedings.

5. In view of the above, learned counsel for the applicants prays that a fresh opportunity may be given to the

applicant to make comprehensive representation before the respondents taking aid of the decisions referred to above. We have accepted the fair submission of the learned counsel for the applicants. Accordingly, we direct the applicants to submit individual comprehensive representations before the authority relying on the judicial decisions including the Hon'ble Apex Court as claimed to be in their favour within a period of one month from the date of the receipt of this order. On receipt of the same, the respondents shall consider the same in a judicious manner in the light of the decisions to be relied by applicants in the representations within a period of two months thereafter. Needless to mention here that the decision to be arrived at by the respondents shall be communicated to the applicants forthwith.

6. Both the OAs are disposed of as above. There shall be no order as to costs.

(DR.NANDITA CHATTERJEE)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER

/BB/

