

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&**

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

OP (CAT).No. 49 of 2015 (Z)

**AGAINST THE ORDER/JUDGMENT IN OA 557/2012 of CENTRAL ADMINISTRATIVE
TRIBUNAL,ERNAKULAM BENCH DATED 06-03-2013**

PETITIONER(S):

- 1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF INDIA,
MINISTRY OF DEFENCE, NEW DELHI-110 001.**
- 2. THE FLAG OFFICER COMMANDING-IN-CHIEF,
SOUTHERN NAVAL COMMAND, HEADQUARTERS, NAVAL BASE,
KOCHI-682 004.**

BY ADV. SRI.T.SANJAY, CGC

RESPONDENT(S):

- 1. K.V.VYASAN,
S/O.K.VELU, UNSKILLED LABOURER, INS GARUDA,
NAVAL BASE, KOCHI-682 004.
RESIDING AT KALAPURAKKAL HOUSE, NETOOR P.O.
ERNAKULAM DISTRICT-682 040.**
- 2. V.K.BALAN,
S/O.KUNJUNNY, UNSKILLED LABOURER, INS GARUDA,
NAVAL BASE, KOCHI-682 004.
RESIDING AT VALACHUVADUKOMBU, EDAKOCHI P.O.
KOCHI-682 004, ERNAKULAM DISTRICT.**
- 3. V.S.UDAYAKUMAR,
S/O.SREENIVASAN, UNSKILLED LABOURER, INS GARUDA,
NAVAL BASE, KOCHI-682 004.
RESIDING AT VALIYAVEETIL HOUSE, THEKKENMALIPURAM,
AZHEEKKAL, KOCHI-682 510, ERNAKULAM DISTRICT.**
- 4. P.N.MURALI,
S/O.NARAYANAN.P.R, UNSKILLED LABOURER, INS GARUDA,
NAVAL BASE, KOCHI-682 004.
RESIDING AT PUTHENPURAKKAL HOUSE, THEKKENMALIPPURAM,
AZHEEKKAL, KOCHI-682 510, ERNAKULAM DISTRICT.**
- 5. P.M.MANOAHARAN,
S/O.P.K.MADHAVAN, UNSKILLED LABOURER, INS GARUDA,**

NAVAL BASE, KOCHI-682 004.
RESIDING AT PUTHUVALSTHALATH HOUSE,
THEKKENMALIPPURAM, AZHEKKAL, KOCHI-682 510,
ERNAKULAM DISTRICT.

6. K.S.MANI,
D/O.SANKARAN K.K., SAFAIWALA, INS VENDURUTHY,
NAVAL BASE-682 004, RESIDING AT KATTACHLIL HOUSE,
ELAMKUNNAPPUZHA P.O., ERNAKULAM-682 503.
7. A.V.RADHA,
D/O.VELAYUDHAN. SAFAIWALA, INS VENDURUTHY,
NAVAL BASE-682 004, RESIDING AT AMMAPARAMBIL HOUSE,
ELAMKUNNAPPUZHA P.O., ERNAKULAM-682 503.
8. K.V.MANIKKAN,
S/O.VELU, SAFAIWALA, INS VENDURUTHY,
NAVAL BASE-682 004, RESIDING AT KALAPURAKKAL HOUSE,
NETOOR P.O., ERNAKULAM-682 040.
9. K.V.BALAKRISHNAN,
S/O.K.VELU, PEON, INS GARUDA,
NAVAL BASE-682 004, RESIDING AT KALAPURAKKAL HOUSE,
NETOOR P.O., ERNAKULAM-682 040.
10. P.A.MOHANAN,
S/O.ARJUNAN, PEON, STATION HEALTH ORGANIZATION,
SOUTHERN NAVAL COMMAND, NAVAL BASE, KOCHI-682 004.
RESIDING AT PUNNAKKATHARA HOUSE, KANDAKADAVU P.O.
682 008, ERNAKULAM DISTRICT.
11. M.S.ARAVINDAN,
S/O.M.S.SANKU, WATCHMAN, INS VENDURUTHY,
NAVAL BASE-682 004, RESIDING AT MANEZHATH HOUSE,
EDAKOCHI P.O., KOCHI-682 006, ERNAKULAM DISTRICT.
12. P.L.PRAKASAN,
S/O.LAKSHMANAN, MALI, INS DRONACHARYA,
KCOHI-682 001, RESIDING AT PUTHENVEETIL HOUSE,
THEKKENMALIPURAM, KOCHI-682 510, ERNAKULAM DISTRICT.
13. K.K.SAJEEVAN,
S/O.KESAVAN, UNSKILLED LABOURER, INS VENDURUTHY,
NAVAL BASE-682 004, RESIDING AT KALARIKKALTHRA HOUSE,
APPANGAD EAST, NJARAKKAL, KOCHI-682 505,
ERNAKULAM DISTRICT.
14. K.K.PRASAD,
S/O.K.K.KEERAN, UNSKILLED LABOURER, INS GARUDA,
NAVAL BASE-682 004, RESIDING AT KOLUTHARA HOUSE,
NAYARAMABALAM, ERNAKULAM-682 503.
15. C.V.VENUGOPALAN,
S/O.C.K.VELAYUDHAN, UNSKILLED LABOURER, INS GARUDA,
NAVAL BASE-682 004.
RESIDING AT CHIRATTAPURACKAL HOUSE, EDAVANAKAD P.O.
ERNAKULAM-682 502.

16. V.V.BHASI,
S/O.K.VALLON, PEST CONTROL WORKER,
STATION HEALTH ORGANIZATION, NAVAL BASE-682 004,
RESIDING AT VADATHARA HOUSE, PUTHYVYPE P.O.
ERNAKULAM.
17. K.K.SHAJI,
S/O.K.K.KUMARAN, SAFAIWALA, INS GARUDA,
NAVAL BASE-682 004.
RESIDING AT KARIKKAPPILITARA HOUSE, NJARAKKAL P.O.
ERNAKULAM-682 505.
18. T.KABHILASHAN,
S/O.T.A.KOCHAL, SAFAIWALA, INS VENDURUTHY,
NAVAL BASE-682 004, RESIDING AT THITTAYIL HOUSE,
NJARAKKAL P.O., ERNAKULAM-682 505.
19. T.K.SALIM,
S/O.KANDARI, WATCHMAN, INS SANJEEVANI,
NAVAL BASE-682 004.
RESIDING AT THUNDIPARAMBIL HOUSE, NJARAKKAL P.O.
ERNAKULAM-682 505.
20. C.A.BALASUBRAMANINAN,
S/O.ACHUTHAN, SAFAIWALA, INS VENDURUTHY,
NAVAL BASE-682 004.
RESIDING AT CHOOTAMPARAMBIL HOUSE, VALLARPADOM P.O.
ERNAKULAM-682 031.

THIS OP (CAT) HAVING COME UP FOR ADMISSION ON 13-03-2015, ALONG
WITH OPCAT. 124/2014, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

DG

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1. TRUE COPY OF THE OA NO.557/2012 FILED BEFORE THE
CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH
DATED 2/7/2012.
- EXT.P2. TRUE COPY OF THE OFFICE MEMORANDUM NO.51016/2/90-
ESTT(C) DATED 10/9/1993.
- EXT.P3. TRUE COPY OF THE DETAILS OF YEAR-WISE CASUAL PERIOD
SERVICE IN RESPECT OF EACH OF THE APPLICANTS DATED
NIL.
- EXT.P4. TRUE COPY OF THE ORDER DATED 6/3/2013 IN OA
NO.5757/2012 FILED BEFORE THE CENTRAL ADMINISTRATIVE
TRIBUNAL, ERNAKULAM BENCH

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A TO JUDGE

**THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.**

O.P.(CAT).No.49 of 2015

Dated this the 13th day of March, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1. We have heard the learned Central Government Counsel quite in extenso, in this original petition under Article 227 of the Constitution of India challenging a decision of the Central Administrative Tribunal.
2. At the outset, we may note that the impugned order was issued on 6.3.2013 and certified true copy was issued by the Tribunal on 8.3.2013. This original petition was presented on 6.2.2015. We do not see any ground, worth mentioning, to entertain this original petition which is enormously belated. We do not also see any reason being afforded through the pleadings in the original petition as regards the delay.
3. Be that as it may, the respondents who moved the Tribunal are unskilled labourers attached to the Naval Base, INS Garuda.

The Tribunal took note of the contents of the Office Memorandum dated 9.5.2008 regarding the pay of casual workers with temporary status on their regularization against Group-D posts in identical cadres and also Office Memorandum dated 23.1.2012, which also has a bearing on that issue. That position notwithstanding, the Tribunal noted earlier decision in O.A.No.34 of 2007 rendered by the Tribunal, which was affirmed by this Court through judgment dated 11.02.2008 in W.P.C.No.37367 of 2007. Though the learned Central Government Counsel argues that the principles stated therein may not be applicable to the case in hand, all that was stated in W.P.C.No.37367 of 2007 is not relating to the non-availability of a ground for refusal of relief referable to the principles laid down in **Secretary, State of Karnataka v. Umadevi [(2006) 4 SCC 1]**; in so far as the wholesome perspective of the facts of the case in hand is concerned, the matter remains that even the private respondents in this case cannot be treated as persons who are ineligible to be regularized on the basis of the principles enunciated therein.

4. In any view of the matter, we do not see that the impugned order of the Tribunal, sought to be challenged, more than 1½ years after its issuance, results in any injustice to the establishment, warranting the High Court to invoke the extraordinary visitorial jurisdiction under Article 227 of the Constitution of India, at the instance of the establishment.

5. Hence, this original petition by the establishment is wholly belated and stands with no reasons, whatsoever, for such contumacious delay. Further, we see no jurisdictional or legal infirmity in the Tribunal's decision, which rests on its view of law and facts. We, therefore, do not find any ground to interfere under Article 227 of the Constitution of India.

In the result, this original petition is dismissed in limine.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(K.HARILAL, JUDGE)

//TRUE COPY//

P.A TO JUDGE