

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00378/2020

Original Application No. 180/00379/2020

Tuesday, this the 18th day of August, 2020

CORAM:

Hon'ble Mr. P. Madhavan, Judicial Member

Hon'ble Mr. K.V. Eapen, Administrative Member

1. Original Application No. 180/00378/2020 -

Aboo Haneefa B., aged 44 years, S/o. T. Eyyas (late),
 Badi House, Amini Island, UT of Lakshadweep,
 presently working as Multi Tasking Staff,
 Lakshadweep Harbour Works,
 Kavaratti Island, UT of Laksadhadweep,
 Mobile No. +91 9495382201.

..... **Applicant**

(By Advocate : Mr. Mohammed Salih P.M.)

V e r s u s

1. Union of India, represented by the Secretary,
 Ministry of Shipping, Road Transport & Highways Department of
 Shipping, New Delhi, Pin – 110 001.
2. The Chief Engineer & Administrator,
 Andaman Lakshadweep Harbour Works,
 Port Blair, Andaman, Pin – 744 101.
3. The Deputy Chief Engineer, Lakshadweep Harbour Works,
 Kavaratti Island, UT of Lakshadweep-682 555. **Respondents**

(By Advocate : Mr. E.N. Hari Menon, ACGSC)

2. Original Application No. 180/00379/2020 -

Abdul Shukkur M., aged 49 years, S/o. P.V. Ahamed (late),
 Marikkilam House, Kavaratti Island, UT of Lakshadweep,
 presently working as Multi Tasking Staff,
 Lakshadweep Harbour Works,
 Kavaratti Island, UT of Laksadhadweep,
 Mobile No. +91 9400265277.

..... **Applicant**

(By Advocate : Mr. Mohammed Salih P.M.)

V e r s u s

1. Union of India, represented by the Secretary,
Ministry of Shipping, Road Transport & Highways Department of
Shipping, New Delhi, Pin – 110 001.
2. The Chief Engineer & Administrator,
Andaman Lakshadweep Harbour Works,
Port Blair, Andaman, Pin – 744 101.
3. The Deputy Chief Engineer, Lakshadweep Harbour Works,
Kavaratti Island, UT of Lakshadweep-682 555. **Respondents**

(By Advocate : Mr. Brijesh A.S., ACGSC)

These applications having been heard on 18.08.2020 through video conferencing, the Tribunal on the same day delivered the following:

COMMON O R D E R (Oral)

Hon'ble Mr. P. Madhavan, Judicial Member –

Heard Advocate Mr. Mohammed Salih P.M. appearing for the applicants in both the cases and the advocates appearing for the respondents in both the cases through video conferencing.

2. OAs Nos. 180-378-2020 and 180-379-2020 have common points of fact and law involved and hence are being disposed of through this common order.

3. The applicants are working as Multi Tasking Staff (MTS) under Andaman Lakshadweep Harbour Works, Kavaratti Island under the direct control of Ministry of Shipping. The applicants are performing the work of Mechanic cum Dredger Operator and Crane Operator respectively for the past 5 years at different points of time and are still receiving the meager salary of the post of MTS. Aggrieved they have preferred representations

dated 16.7.2020 before the competent authority for getting the pay of Mechanic-cum-Dredger Operator/Crane Operator which are pending with them for consideration. Hence, they have filed these OAs seeking the following reliefs:

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- “i) Issue appropriate directions or orders directing the respondent to appoint the applicant for the post of Mechanic cum Dredger operator in accordance with Annexure A2 with retrospective effect, in the interest of justice.*
- ii) Issue appropriate directions or orders directing the respondent to release the arrears of the salary for the post of Mechanic cum Dredger operator in accordance with law.*
- iii) Issue appropriate directions or orders directing the 2nd respondent to consider Annexure A7 representation and pass appropriate orders within a stipulated time, as may be prescribed by this Hon'ble Tribunal.*
- iv) Grant such other reliefs that this Hon'ble Tribunal deem fit to grant under the facts and circumstances of the case.*
- v) Grant the cost of the Original Application.”*

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- “i) Issue appropriate directions or orders directing the respondent to appoint the applicant for the post of Crane Operator in accordance with Annexure A1 with retrospective effect, in the interest of justice.*
- ii) Issue appropriate directions or orders directing the respondent to release the arrears of the salary for the post of Crane Operator in accordance with law.*
- iii) Issue appropriate directions or orders directing the 2nd respondent to consider Annexure A4 representation and pass appropriate orders within a stipulated time, as may be prescribed by this Hon'ble Tribunal.*
- iv) Grant such other reliefs that this Hon'ble Tribunal deem fit to grant under the facts and circumstances of the case.*
- v) Grant the cost of the Original Application.”*

4. When the matter came up for consideration learned counsel for the applicants submitted that they have filed representations dated 16.7.2020 Annexures A7 and A4 respectively, and they will be satisfied if the

competent authority is directed to consider and dispose of the same within a time frame.

5. Learned counsel appearing for the respondents have no objection in considering and disposing of the representations filed by the applicants.

6. In this matter we notice that the applicants have filed their representations only on 16.7.2020 and thereafter filed this OA within a short period even before the matter is considered by the respondents.

7. **However, in view of the limited relief sought by the applicants, without going into the merits of the cases, we direct the competent authority to consider and dispose of the representations filed by the applicants dated 16.7.2020 (Annexures A7 & A4) by passing a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order on the basis of the relevant rules and regulations on the subject.**

8. The Original Applications are disposed of as above at the admission stage itself. No order as to costs.

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

“SA”

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APPLICANT'S ANNEXURES

- Annexure A1** – True copy of the office order dated 30.3.2002.
- Annexure A2** – True copy of the circular dated 27.8.2011.
- Annexure A3** – True copy of the recommendation of the trade test committee.
- Annexure A4** – True copy of the work assigning orders dated 5.10.2019.
- Annexure A5** – True copy of the work assigning orders dated 25.3.2020.
- Annexure A6** – True copy of the work assigning orders dated 25.4.2020.
- Annexure A7** – True copy of the representation dated 16.7.2020 preferred before the 2nd respondent.

RESPONDENTS' ANNEXURES

Nil

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APPLICANT'S ANNEXURES

- Annexure A1** – True copy of the circular dated 27.8.2011.
- Annexure A2** – True copy of the recommendation of the trade test committee.
- Annexure A3** – True copy of the work assigning order dated 5.10.2019.
- Annexure A4** – True copy of the representation dated 16.7.2020 preferred before the 2nd respondent.

RESPONDENTS' ANNEXURES

Nil

-X-X-X-X-X-X-X-X-