

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 429/97

Friday, this the 29th day of October, 1999.

CORAM:

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

1. Lakshadweep Harbour Employees' Union,
Kavaratti P.O.,
Lakshadweep - 682 555 represented by
its President M.A. Sayed Mohammed,
S/o. Kidave, residing at:
Meleavvappada, Kavaratti - 682 555.
2. J. Jayakumar,
S/o. M. Jayadevan Nair,
Hindi Typist, Lakshadweep Harbour Works,
Kavaratti, residing at: Harbour Staff
Quarters, Kavaratti - 682 555.

...Applicant

By Advocate Mr. K. Prabhakaran

Vs.

1. Union of India, represented by
Secretary to Government of India,
Ministry of Surface Transport,
New Delhi.
2. The Chief Engineer and Administrator,
Government of India,
Ministry of Surface Transport,
Office of the Chief Engineer and
Administrator, Andaman Lakshadweep,
Harbour Works, Port Blair - 744 101.
3. The Deputy Chief Engineer,
Lakshadweep Harbour Works,
Kavaratti - 682 555.
4. The Administrative Officer (ALHW),
Andaman Lakshadweep Harbour Works,
Port Blair - 744 101.

...Respondents

By Advocate Mr. S. Radhakrishnan, ACGSC

The application having been heard on 29.10.99, the
Tribunal on the same day delivered the following:

ORDER

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

Applicants seek the following reliefs:

- (a) Call for the record leading to the issue
of Annexure A-1 and quash the same.
- (b) To declare that member of the 1st applicant
Union who are employees under 3rd respon-
dent and who are transferred to Lakshadweep

from outside Lakshadweep are eligible for payment of the Island Special Allowance granted under Annexure A-4 Office Memorandum.

(c) To direct the respondents to continue to pay the Island Special Allowance granted under Annexure A-4 Office Memorandum to all employees working under the 3rd respondent who have been drawing Island Special Allowance based on the A-4 order dated 24.5.89 or A-5 letter dated 28.9.89 issued by the 4th respondent.

(d) To grant such other reliefs as this Hon'ble Tribunal deems fit in the interest of justice.

2. In the reply statement filed by the respondents, it is inter alia stated that:

" On receipt of the details of employees called for vide Annexure R-3(D), the respondent No.2 will be taking a final decision in the matter of eligibility of Island Special Allowance to the employees working in Lakshadweep Harbour Works in accordance with the provisions contained in Annexure A-6 order. "

3. In the light of the said submission, the learned counsel appearing for the applicants submitted that this O.A. may be closed with liberty to file a fresh O.A. if the grievance of the applicants subsists after a final decision is taken by the 2nd respondent.

4. Accordingly, the O.A. is closed reserving the right to the applicants to file a fresh O.A. if their grievance subsists after a final decision is taken by the 2nd respondent as submitted in the reply statement. No costs.

Dated this the 29th day of October, 1999.



A.M. SIVADAS
JUDICIAL MEMBER

LIST OF ANNEXURES REFERRED TO IN THIS ORDER

1. Annexure A-1:

A true copy of the Order No.ALHW/GENL/5(26)/97 dated 19/20.2.97 issued by the 4th respondent.

2. Annexure A-4:

A true copy of the Office Memorandum No.20022/2/88-E-II(B) dated 24.5.89 issued by the Deputy Secretary, Government of India, Ministry of Finance.

3. Annexure A-5:

A true copy of the letter No.ALHW/Genl/5(7)/84 dated 28.9.1989 issued by the fourth respondent.

4. Annexure A-6:

A true copy of the Office Memorandum No.11(3)/95-E II(B) dated 12.1.1996 issued by the Under Secretary, Government of India, Ministry of Finance.

5. Annexure R-3(D):

True copy of the letter No.ALHW/Genl/5(26)/97 dated 23.10.1997 of the 1st respondent.