

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. Nos.1047/11, 372/12, 441/12 & 513/12

Dated this the 06th day of July, 2012

C O R A M

HON'BLE DR. K.B. S RAJAN, JUDICIAL MEMBER
HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

O.A 1047/11

Sabeeha Hassanbebegothi, aged 29 years
W/o.Mohammed Rafeeqe
Residing at Sedivalu Village
Minicoy Island, Pin – 682 559
Union Territory of Lakshadweep ... Applicant

By Advocate Mr T.C.G Swamy

Vs.

- | | | |
|---|---|---------------|
| 1 | The Administrator
Lakshadweep Administration
Union Territory of Lakshadweep
Kavaratti – 682 555 | |
| 2 | The Director (Services)
Administration of the Union Territory
of Lakshadweep (Secretariat)
Kavaratti – 682 555 | - Respondents |

By Advocate Mr.S Radhakrishanan

O.A 372/12

Asifag B, aged 24 years
W/o A Kamaruddin, Residing at 'Geburige', Aloodi Village,
Minicoy Island, Pin – 682 559
Union Territory of Lakshadweep ... Applicant

By Advocate Mr T.C.G Swamy

Vs.

- 1 The Administrator
Lakshadweep Administration
Union Territory of Lakshadweep
Kavaratti – 682 555
- 2 The Director (Services)
Administration of the Union Territory
of Lakshadweep (Secretariat)
Kavaratti – 682 555

- Respondents

By Advocate Mr.S Radhakrishanan

O.A 441/12

1. Shanavas C.P
S/o.P Koya, aged 26 years
Chemmanampalli House
Kalpeni Island
Pin – 682 557
2. Riswana T.P
D/o Muthukoya M.P
Aged 24 years
Thithiyappada House
Kalpeni Island, Pin – 682 557
3. Bl.T.P., W/o.Ali P.V,
Aged 28 years, Thithiyappada
House, Kalpeni Island, Pin – 682 557 ...

Applicants

By Advocate Mr M.R Hariraj

Vs.

1. Union of India, represented by the
Secretary to Government of India
Department of Home Affairs
New Delhi – 110 001
- 2 The Administrator
Lakshadweep Administration
Union Territory of Lakshadweep
Kavaratti – 682 555
- 3 The Director (Services)
Administration of the Union Territory
of Lakshadweep (Secretariat)
Kavaratti – 682 555

- Respondents

By Advocate Mr.S Radhakrishanan R2 & R3

O.A 513/12

Mohiyudheen K.I

S/o Basheer Ahammed, aged 22 years

C-9, Lakshadweep Residential Complex Near 10C

Panampilly Nagar, Ernakulam

...

Applicant

By Advocate Mr Anand S.A

Vs.

1 The Administrator
Lakshadweep Administration
Union Territory of Lakshadweep
Kavaratti - 682 555

2 The Director (Services)
Administration of the Union Territory
of Lakshadweep (Secretariat)
Kavaratti - 682 555

- Respondents

By Advocate Mr.S Radhakrishanan

The application having been heard on 06.07.12., the Tribunal on the same day delivered the following:

ORDER

HON'BLE DR.K.B.S RAJAN, JUDICIAL MEMBER

1. In all these cases the prayer of the applicants is as under:-

" (a) Call for the records leading to the issue of A5 and quash the same;

(b) Declare that the failure on the part of the respondents to consider and appoint the applicant as a Multi Skilled Employee, in preference to persons at Sl.No.37 and below in A1 rank list is arbitrary, discriminatory and unconstitutional;

(c) Direct the respondents to forthwith consider and appoint the applicant as a Multi Skilled Employee and direct further to grant her all the consequential benefit of such appointment from the date from which the applicant's juniors at Sl.No.37 and below in the A1 rank list were appointed. "

2. In their reply statement the respondents have admitted the

entitlement of the applicants to appointment as could be seen from para 5 of the reply which reads as under:-

“ 5. It is true that the applicant had submitted a representation as stated and she was informed the true fact by reply marked as Annexure A-5. As stated in the above paragraph, the Administration issued appointment orders to the candidates on receipt of verification report from the Police Department and there was no intention on the part of respondents to give priority in the appointment to any one as alleged by the applicant. The applicant had submitted her letter of acceptance much later than her juniors who were appointed earlier as stated above. Meantime some Casual Labourers approached the Hon'ble Tribunal and the Tribunal ordered to maintain status quo as on date. Now the case has been disposed by Hon'ble CAT and appointment order being issued to all candidates including the applicant shortly and seniority will be given according to their position in the select list. “

3. Despite the fact that the reply was filed as earliest on 15 March 2012, according to the counsel for the applicants so far no appointment order has been issued. Meanwhile, admittedly their juniors have been appointed who would be gaining after completion of requisite years of service their increments. Even if the applicants are appointed now and in case their date of appointment is taken from the date they actually joined, they would be in a disadvantageous position in respect of the date of next increment. The juniors would steal a march over them in this regard.

4. The counsel for the applicant therefore submitted that direction may be issued to the respondents to issue the appointment order forthwith (as police verification is already stated to have been received) and the appointment may be notionally from the earliest date their junior has joined, so that at the time of next increment both the applicant and juniors to the

applicants would be drawing identical pay. In the alternative stepping up of pay may be allowed.

5. Counsel for the respondents fairly conceded that some juniors have already been appointed and police verification in respect of the applicants also is over.

6. In view of the above situation, interest of justice would be met if the Original Application is disposed of with the following direction.

(a) The respondents shall, on priority basis, issue necessary appointment order to all the applicants.

(b) The date of the appointment may be notionally fixed from the earliest date their juniors have been appointed or in the alternative the case of the applicants at the appropriate time may be considered for stepping up of pay at par with that of juniors.

7. In so far as the issue of appointment order is concerned it should be done within a week. Ordered accordingly. No costs.

(Dated, this the 06th day of July, 2012)



(K. NOORJEHAN)
ADMINISTRATIVE MEMBER

(Dr.K.B.S RAJAN)
JUDICIAL MEMBER