

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

Original Application No.508 of 2013

Monday this the 31<sup>st</sup> day of March 2014

**C O R A M :**

**HON'BLE Mr.JUSTICE A.K.BASHEER, JUDICIAL MEMBER**

K.Ahamad,  
S/o.late K.Muhammad,  
Kuliya House, Amini.  
Casual Labourer, Veterinary Office, Amini.

...Applicant

(By Advocate Mr.R.Sreeraj)

**V e r s u s**

1. The Administrator,  
Union Territory of Lakshadweep,  
Kavaratti – 682 555.
2. The Director (Animal Husbandary),  
Department of Animal Husbandary,  
Union Territory of Lakshadweep,  
Kavaratti – 682 555.
3. The District Veterinary Officer,  
Animal Husbandary Department,  
Kavaratti – 682 555.

...Respondents


(By Advocate Mr.S.Radhakrishnan)

This application having been heard on 31<sup>st</sup> March 2014 this Tribunal on the same day delivered the following :-

**ORDER**

**HON'BLE Mr.JUSTICE A.K.BASHEER, JUDICIAL MEMBER**

Applicant claims that he has been working as a casual labourer under the Animal Husbandary Department of the Union Territory of Lakshadweep ever since October 26, 1993. The primary prayer in this Original Application is to issue a direction to the respondents to regularize his service taking into account the long tenure of 19 ½ years spent by him

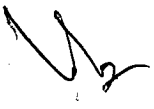


.2.

in the department as a casual labourer. Applicant has raised a further contention that the respondents had conferred on him temporary status in 1996, though later the said order was withdrawn by the department without any valid or justifiable reason.

2. It is pointed out by the respondents that temporary status was conferred on the applicant and a few others like Abdul Khadir and Buhari whose names have been specifically mentioned by the applicant in this Original Application. But later, on realizing the mistake the department had withdrawn the said benefit conferred on the applicant and the two others as could be seen from Annexure A-9 order. In short, it is contended by the respondents that the department had rightly denied the benefit of temporary status to the applicant since he could not have, under normal circumstances, got the said benefit in terms of the Office Memorandum issued by the Department of Personnel & Training dated September 10, 1993. In this context learned counsel for the respondents has invited my attention to the judgment of their Lordships of the Supreme Court in Union of India and anr. Vs. Mohan Pal; (2002) 4 SCC 573.

3. It is pertinent to note that the respondents have fairly conceded that the applicant has been working as a casual labourer in the Animal Husbandary Department ever since October 1993. But, according to the respondents, applicant can neither be granted temporary status nor can his services be regularized in view of the judgment rendered by the Supreme Court in Umadevi; (2006) 4 SCC 1.



.3.

4. Having regard to the peculiar facts and circumstances of the case, I am of the view that the Administration has to necessarily take a compassionate and sympathetic view in the case of the applicant. The very fact that he has been working for the department for nearly two decades will indicate that his services are required in the department. Therefore, the Administration shall extend the benefit of relaxation in age and educational qualification to the applicant in the event of making any regular appointment in the department in future.

5. With the above observation/direction the Original Application is closed.

(Dated this the 31<sup>st</sup> day of March 2014)

  
**JUSTICE A.K. BASHEER**  
**JUDICIAL MEMBER**

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