

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 6/93
~~XXXXXX~~

~~199~~

DATE OF DECISION 21.1.1993

C.Padmanabhan Nair Applicant (s)

Mr.M.R.Rajendran Nair Advocate for the Applicant (s)

Versus

Union of India, represented by Respondent (s)
Secretary, Ministry of Home Affairs,
New Delhi & another.

Mr.N.N.Sugunapalan Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N.Dharmadan, Judicial Member

The Hon'ble Mr. R.Rangarajam, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

MR. N.DHARMADAN, JUDICIAL MEMBER

The applicant is aggrieved by the denial of the respondents ~~to~~ *to* grant ~~the~~ *the* benefits of Annexure-I judgment in OA 1355/91 dated 30.4.92.

2. According to the applicant, he is similarly situated like the applicants in Annexure-I judgment. While he was working as Primary School Teacher under the Administrator of UT of Lakshadweep, Government of India issued a circular granting the Island Special Pay and Compensatory Allowance to the employees who work on deputation in the Island. This was later enhanced. Some employees who were not given the benefits according to that circular approached this Tribunal by filing OA 213/92 and OA 1352/92 and the connected cases. These cases were heard and allowed. The judgment in OA 1355/91 is produced at Annexure-I. Since the applicant was not given the benefits of Government circular and the

judgement he filed Annexure-II representation before the Administrator on 21.10.92. This has not been disposed of so far. He has also produced Annexure-III order in support of his case that persons similarly situated like the applicant herein, who were party in these cases filed before the Tribunal were granted the benefit of the Government order referred to above. Since the said benefit was not granted to the applicant in spite of his request and representation he filed this application under Section 19 of the Administrative Tribunals Act, 1985.

3. At the time when the case came up for final hearing we have heard the learned counsel for the respondents also. He is not in a position to state as to why the applicant is denied the benefit of the Government order. He has no case that the applicant is not a similarly situated person like the applicants in Annexure-I judgment. However, we have gone through the judgment. Prima-facie we feel that there is no distinguishing factor to deny the benefit of Annexure-I to the applicant. The Administrative Authority has a duty to examine the case and take a final decision as to whether the applicant is a person similarly situated like the applicants in Annexure-I judgment and whether he is entitled to get the benefit of the Government decision as claimed in the representation.


4. Having regards to the facts and circumstances of the case, we are of the view that the application can be disposed of in the admission stage itself. Accordingly, we admit the application and dispose of the same with the direction.

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5. Accordingly, we direct the Administrator to consider and dispose of Annexure-II representation in accordance with law bearing in mind the observations and findings in Annexure-I judgment. This shall be done within a period of two months from this date. The learned counsel for the respondents shall send a copy of this judgment with the copy of the original petition to the Director for information and compliance of directions since he is not a party in the application.

6. We, therefore, dispose of the application as above. There will be no order as to costs.


(R.RANGARAJAN)
ADMINISTRATIVE MEMBER


(N.DHARMADAN)
JUDICIAL MEMBER

21.01.1993

v/-