

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

....

O.A. 534/93, 602/93, 1146/93, 2260/93, 67/94, 183/94,
229/94, 238/94, 1077/94, 210/94.

Tuesday, this the 1st day of November, 1994.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

O.A. 534/93

M.G. Thulasidas
S/o P.R. Kunjthirishna Pillai
Graduate Assistant (Malayalam)
Government High School, Kavaratti
Union Territory of Lakshadweep

Applicant

By Advocate Mr. P.V. Mohanan

vs.

1. The Administrator
Union Territory of Lakshadweep
Kavaratti
2. The Director of Education,
Union Territory of Lakshadweep,
Kavaratti

Respondents

By Advocate Mr. M.V.S. Nampoothiri

O.A. 602/93

1. Anil .B.V.
S/o N. Vasavan
Graduate Assistant (Mathematics)
Government High School, Kadmat,
Union Territory of Lakshadweep
2. Chandran Thettath
S/o Kunhikelu T.
Graduate Assistant (Mathematics)
Government High School, Minicoy
Union Territory of Lakshadweep
3. Vijayan K.
S/o Kunthirishnan
Graduate Assistant (Mathematics)
Government High School, Kalpeni
Union Territory of Lakshadweep

Applicants

By Advocate Mr. P. V. Mohanan

vs.

1. The Administrator
Union Territory of Lakshadweep
Kavaratti
2. The Director of Education
Union Territory of Lakshadweep

Respondents

By Advocate Mr. M.V.S. Nampoothiri

O.A. 1146/93

1. Rameshan K.K. S/o Kelan K.
Graduate Assistant (Hindi)
Government High School, Kavaratti
2. Chandrasekharan P.P.
S/o Appakunhi,
Graduate Assistant (Hindi)
Government High School, Kalpeni

Applicants

By Advocate Mr. P. V. Mohanan

vs.

1. The Administrator,
Union Territory of Lakshadweep
Kavaratti
2. The Director of Education,
Union Territory of Lakshadweep
Kavaratti

Respondents

By Advocate Mr. M.V.S. Nampoothiri

O.A. 2260/93

1. K. Amini D/o G. Philip
Language Teacher (Malayalam) Grade-II
Government Senior Basic School, Kavaratti
2. C. Rajendran S/o Chokkanathan
Graduate Assistant
Government High School, Kavaratti
3. Shihabuddin V.M. S/o V.C. Mohammed Methar
Trained Graduate Teacher (Social Studies)
Government High School, Kavaratti
4. Benny Mathew S/o Mathew
Trained Graduate Teacher (Hindi)
Government High School, Kavaratti

Applicants

By Advocate Mr. K.P. Dandapani

vs.

1. Union of India represented by the
Secretary, Government of India
Ministry of Home Affairs, New Delhi
2. The Administrator,
Union Territory of Lakshadweep
Kavaratti Islands
3. The Director of Education,
Union Territory of Lakshadweep
Kavaratti

Respondents

By Advocate Mr. M.V.S. Nampoothiri

O.A. 67/94

P.C. Roy
Graduate Assistant (English)
Union Territory of Lakshadweep

Applicant

By Advocate Mr. K.P. Dandapani

vs.

1. The Director of Education
Administration of Union Territory
of Lakshadweep, Kavaratti
2. Union Territory of Lakshadweep
Kavaratti represented by its Administrator
3. Union of India represented by Secretary
Ministry of Home Affairs, New Delhi

Respondents

By Advocate Mr. M.V.S. Nampoothiri

O.A. 183/94

C.P. Geetha D/o C.K. Parameswaran
Teacher, J.B. School (Centre)
Andrott

Beena P.U. w/o Jacob Varkey
Lecturer, M.G. College, Andrott

Applicants

By Advocate Mr. K.P. Dandapani

vs.

1. The Director of Education
Administration of Union Territory
of Lakshadweep, Kavaratti
2. Union Territory of Lakshadweep
Kavaratti represented by its Administrator
3. Union of India represented by Secretary
to Ministry of Home Affairs, New Delhi

Respondents

By Advocate Mr. M.V.S. Nampoothiri

O.A. 229/94

George Wilfred P.G.
Parampaloth House
Malipuram Post,
Karthedom, Cochin-10

Applicant

By Advocate Mr. K.P. Dandapani

vs.

1. The Director of Education
Administration of Union Territory of
of Lakshadweep, Kavaratti
2. Union Territory of Lakshadweep,
Kavaratti represented by its Administrator
3. Union of India represented by Secretary
to Ministry of Home Affairs, New Delhi

Respondents

By Advocate Mr. M.V.S. Nampoothiri

O.A. 238/94

1. Prakasan K.
TGT (Social Studies)
Government Senior Basic School
Minicoy, Union Territory of Lakshadweep

2. Thomachan K.T.
TGT (Social Studies)
Government High School, Minicoy,
Lakshadweep
3. Helen K. Jacob,
TGT (Physics)
Government High School
Minicoy, Lakshadweep
4. Rosily V.O.
TGT (Hindi)
Government S.B. School
Minicoy, Lakshadweep

Applicants

By Advocate K.P. Dandapani

vs.

1. Union of India represented by the
Secretary, Government of India,
Ministry of Home Affairs,
New Delhi
2. The Administrator, Union Territory
of Lakshadweep, Kavaratti
3. The Director of Education
Union Territory of Lakshadweep,
Kavaratti

Respondents

By Advocate Mr. M.V.S. Nampoothiri

O.A. 1077/94

C. Narayanan
Chenal House
Kalliasseri P.O.
Kannur District-670 562

Applicant

By Advocate Mr. K. P. Dandapani

vs.

1. Union of India represented by
the Secretary, Government of India
Ministry of Home Affairs,
New Delhi
2. The Administrator
Union Territory of Lakshadweep
Kavaratti Island
3. The Director of Education
Union Territory of Lakshadweep,
Kavaratti

Respondents

By Advocate Mr. M.V.S. Nampoothiri

O.A. 210/94

Sujatha R. w/o Sasikumar
Trained Graduate Hindi Teacher,
Government J. B. School,
Minicoy

By Advocate Mr. C. Marikrishnan

vs.

1. The Director of Education
U.T. of Lakshadweep, Kavaratti
2. The Administrator,
U.T. of Lakshadweep
Kavaratti
3. Union of India represented by Secretary
to Government, Ministry of Home Affairs
New Delhi

Respondents

By Advocate Mr. M.V.S. Nampoothiri

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicants who belong to the mainland, are working as teachers under the Lakshadweep Administration, admittedly for long years, though their appointments were styled adhoc.

2. According to applicants, they were appointed in accordance with the rules and it is a misnomer to call the appointment adhoc. They rely on decisions of the Supreme Court to contend that long and uninterrupted officiation entails regularisation.

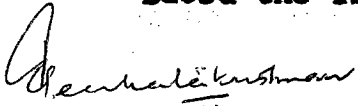
3. Respondents would submit that a decision has been taken by the Government of India to limit regular appointments to islanders, with a view to protect them in the special circumstance. Shri M.V.S. Nampoothiri appearing for respondents raised an ingenious and attractive argument to the effect that such special treatment is permissible as part of reservation policy. In answer, applicants would submit that irrespective of other considerations discrimination on the ground of residence is unconstitutional. We think that the Government of India should take a look at the question, whether long years of service can be wiped out without any consequence. They must also consider whether the policy of shutting out mainlanders or implementing reservation creating monopoly or 100% reservation, is permissible. Applicants may make a detailed representation

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setting out their case before respondent Union of India, within six weeks from today. Union of India shall consider the matter with reference to its legal and human aspects, and take a decision as expeditiously as they find convenient. Till such a decision is taken status quo as of today will be maintained and thereafter, the matter will be governed by such orders as the Government of India may pass.

4. Application is disposed of as aforesaid. No costs.

Dated the 1st November, 1994.


P. V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

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