

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.577/2003.

Wednesday this the 6th day of August 2003.

CORAM:

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

Dr.K.P.Hamza Koya,
Chief Medical Officer,
Primary Health Centre,
Kalpeni, Lakshadweep. Applicant

(By Advocate Shri Muhammed Puzhakkara)

Vs.

1. Union of India,
represented by Under Secretary,
Ministry of Health and
Family Welfare, Nirman Bhavan,
New Delhi.
2. Under Secretary to Government of India,
Ministry of Finance,
Department of Expenditure,
New Delhi.
3. The Secretary (Finance),
Union Territory of Lakshadweep
(Secretariat),
Kavarathi Island. Respondents

(By Advocate Mr.C.Rajendran, SCGSC (R.1&2)
(By Advocate Mr.S.Radhakrishnan(R-3)

The application having been heard on 6th August, 2003,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The issue in this O.A.turns on the denial of Island
Special Duty Allowance to the applicant who is a Chief Medical
Officer, Primary Health Centre, Kalpeni, Lakshadweep, in spite of
A-3 order dated 26.2.2003 and A-4 order dated 31.3.2003 to the
effect that since the applicant has All India Transfer Liability
and posted in Lakshadweep from outside the Lakshadweep, he is
eligible for Island Special Duty Allowance during his posting in
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Lakshadweep from 1.6.90 to 10.6.93 and further from 1.11.98 onwards. It would appear that the Administrator took up the matter with the Central Government seeking clarification of the decisions contained in A-3 and A-4 communications in view of this Tribunal's earlier decisions to the effect that similarly placed employees are not entitled to Island Special pay. It was also apparently noted by the Administrator that, the Hon'ble High Court of Kerala had upheld the Tribunal's decision. However, it would now appear that the Central Government has not taken any decision to withdraw the earlier communications A-3 and A-4. Shri P.K.Mohammed Puzhakkara, learned counsel for the applicant, therefore, would plead for a direction to the respondents to grant the benefit of Island Special Duty Allowance to the applicant. Shri S.Radhakrishnan, learned counsel who appeared on behalf of R-3 has stated under instructions that the Ministry has clarified that the contents of A-3 and A-4 communications are to be implemented. In other words, the applicant's claim for Island Special Duty Allowance is upheld notwithstanding the decisions reported by this Tribunal and the Hon'ble High Court. Learned counsel on either side would submit that, in view of the above position, the O.A. might be disposed of.

2. In the light of the above facts we find that the applicant's claim for Island Special Duty Allowance having been accepted by the Ministry, and the Administration being obliged to implement the same, this O.A. is to be allowed.

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3. We, therefore, direct the respondents to carry out their own decision and to ~~xxxxx~~ grant the Island Special Duty Allowance held admissible in the applicant's case as expeditiously as possible.
4. O.A. is allowed. No order as to costs.

Dated the 6th August, 2003.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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