

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.598/93

DATE OF DECISION : 03.08.1993

P.K.Sayed Ismail,
Group 'D' Helper,
Coir Fibre Factory,
Kalpeni.

.. Applicant

Mr.M.A.Shafik

.. Adv. for applicant

V/s

1. The Administrator, Union Territory of Lakshadweep, Kavaratti.
2. The Director of Industries, Union Territory of Lakshadweep, Karavatti.
3. Union of India, rep. by the Secretary, Min. of Home Affairs, New Delhi.

.. Respondents

Mr.M.V.S.Nampoothiry, ACGSC

.. Adv. for respondents

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

JUDGEMENT

MR. N.DHARMADAN, JUDICIAL MEMBER

The applicant submitted that his case is squarely covered by the decision of this Tribunal in OA 44/90 dated 30.8.1991.

2. According to the applicant, he is a member of Scheduled Tribe community and he commenced work under the second respondent as casual labourer in the Coir Fibre Factory at Androth with effect from 15.7.1972. His services were terminated in 1975. But he was re-engaged with effect from 10.9.1980 and he was regularized in duty in Helper post in the same Factory at Kalpeni. He got information about

Annexure-A2 judgment ^{and} he filed a representation. Since the representation has not been disposed of he filed this application for a declaration that he is entitled to 1/30th of the relevant scale plus Dearness Allowance and other allowances for the period he has worked as a casual labourer in accordance with O.M.No.49014/2/Estd.(C) dated 7.6.1988 as interpreted by this Tribunal in Annexure-A2 judgment.

3. The respondents have admitted all the facts. But they have taken the view that in the light of the clarification issued by the Ministry of Home Affairs as per the order dated 8.11.88 the applicant is to be treated as a labourer in the Fibre Factory which is an Industrial Establishment. Hence the O.A. is not maintainable.

4. The contentions raised by the respondents are not sustainable in the light of the judgment of this Tribunal in OA 44/90 in which all these questions were considered. The respondents are to verify whether the applicant is similarly situated like the applicant in OA 44/90. Applicant has produced Annexure-A1 Certificate which reads as follows:-

" Certified that Sri P.K.Sayed Ismail has enroled as casual labourer with effect fom 10.9.80 forenoon and worked upto 21.12.91 afternoon in fibre factory, Androth. His conduct and character are found very good. Shri Sayed Ismail is not related to me.

Sd/-
Supervisor,
Fibre Factory Andrott "

In the light of the Certificate, the applicant is entitled to the relief. Accordingly, I declare that the applicant is similarly situated like the applicant in OA 44/90 and he is also entitled to 1/30th of the relevant pay scale plus

Dearness Allowance and other allowances for the period he has worked as casual labourer under the second respondent in accordance with the O.M. dated 7.6.88 as interpreted by this Tribunal in OA 44/90. This shall be disbursed to the applicant with all arrears within a period of three months from the date of receipt of a copy of this judgment.

5. The application is allowed as above. No costs.


3.8.93
(N.DHARMADAN)
JUDICIAL MEMBER

v/-

LIST OF ANNEXURES:

1. Annexure-A1 .. Certificate dated 22.2.93.
2. Annexure-A2 .. Copy of judgment dt. 30.8.91 in O.A.44/90.

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