

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 62 of 2012

Friday, this the 28th day of March, 2014

CORAM:

Hon'ble Mr. Justice A.K. Basheer, Judicial Member

1. U.P. Abdul Khadar, aged 46 years, S/o. Muthukoya,
Now working as Temporary Status Casual Labourer,
District Panchayat Office, Kavaratti, Residing at : Uluvapura House,
Kavaratti, Lakshadweep.
2. Palliyat Koya, aged 46 years, S/o. Koyamma Koya,
Now working as Temporary Status Casual Labourer,
Agricultural Unit, Androth, Residing at : Puthiya Illam,
Androth Island, U.T. of Lakshadweep.
3. T.P. Mohammed Kasim, aged 44 years, S/o. Abdul Khadar,
Now working as Temporary Status Casual Labourer,
Agricultural Unit, Androth, Residing at : Thattampokkada,
Androth Island, U.T. of Lakshadweep.
4. U. Khalid, Umbiyoda, aged 47 years, S/o. Mohammed T.,
Now working as Temporary Status Casual Labourer,
Agricultural Unit, Agatti, Residing at : Thithikuttiyodu,
Agatti Island, U.T. of lakshadweep. **Applicants**

(By Advocate – Mr. M.P. Krishnan Nair)

V e r s u s

1. Union of India, rep. by Secretary, Ministry of Agriculture,
Government of India, New Delhi – 110 001.
2. The Director, Department of Personnel & Training,
Ministry of Personnel, P.G. & Pension, Government of India,
New Delhi – 110 001.
3. The Administrator, Union Territory of Lakshadweep,
Kavaratti – 682 555.
4. The Director, Agriculture, Department of Agriculture,
Union Territory of Lakshadweep, Kavaratti – 682 555.
5. Aboohuraira P.A., S/o. Kunhisethikoya P.V.,



Puthiya Alikom, Amini Island, U.T. of Lakshadweep-682 552.

6. Irshad Khan K., S/o. Aboobacker Kunhi, Kakkolliyoda, Kavaratti Island, UT of Lakshadweep – 682 555.
7. Abdul Raheem P.P., S/o. Kayab V.P., Padippura, Kavaratti, UT of Lakshadweep – 682 555.
8. Smt. Nazeeraban C.L., D/o. Seedikoya T.M., Chamacherry Lavanakkel, Androth, UT of Lakshadweep-682 551.
9. Abu Hashik K., S/o. Attakoya M.P., Kaith at, Androth, UT of Lakshadweep – 682 551.
10. Sainul Abid M., S/o. Attakoya P.V.P., Mathil, Androth, UT of Lakshadweep – 682 551.
11. Mohammed Irshad P.S., S/o. Hameed KCP, Puthiya Surambikkal, Androth, UT of Lakshadweep – 682 551.
12. Zabeer Khan K.V., S/o. Hamzakoya K., Kodivalappu, Androth, UT of Lakshadweep – 682 551.
13. Kum. Husunul Jamal A.P., D/o. Muthukoya BKC, Azhikkakampura, Androth, UT of Lakshadweep – 682 551.
14. Kum. Hameedath Beebi A.P., D/o. Muthukoya BKC, Azhikkakampura, Androth, UT of Lakshadweep – 682 551.
15. Kum. Mariyath P.P., D/o. Mohammed T., Pandarapura, Agatti, UT of Lakshadweep – 682 553.
16. Mohammed Hamd. M.S., S/o. Mohammed B.B., Mariyam Saviyoda, Agatti, U.T. of Lakshadweep – 682 553.
17. Mohammed Irshad K.K., S/o. Sayed Mohammedkoy M., Keelakunnikam, Amini, UT of Lakshadweep – 682 552.
18. Kum. Noorjahan B.H., D/o. Thangakoya K., Baithul Huda, Amini, UT of Lakshadweep – 682 552.
19. Kum. Khadeejabi APC, D/o. Hamzakoya T., Achayapura Chetta, Amini, UT of Lakshadweep – 682 552.
20. Badar Sayeda K.N., D/o. Sayed Shaik Koya B.S., Kanjaranallala, Amini, UT of Lakshadweep – 682 552.
21. Smt. Shahudeen N., S/o. Nallakoya P.E., Naizam Nagar, Amini, UT of Lakshadweep – 682 552.



22. Abdul Kader K.C., S/o. Sayed Kunhi T.P.,
Kuppinachetta, Kadamath, UT of Lakshadweep – 682 556.
23. Malika P., S/o. Pookunhi P.C., Aminapura, Kadamath,
UT of Lakshadweep – 682 556.
24. Kum. Najmunisa A., D/o. Abdul Kader N.,
Avvammada, Kadamath, UT of Lakshadweep – 682 556.
25. Mohammed Rafi P.A., S/o. Rasheedkoya C.H.,
Puthiyalikom, Kiltan, UT of Lakshadweep –
682 556.

..... Respondents

[By Advocates – Mr. Sunil Jacob Jose, SCGSC (R1&2) &
Mr. S. Radhakrishnan (R3-4)]

This application having been heard on 28.03.2014, the Tribunal on the same day delivered the following:

ORDER

When this case is taken up for consideration learned counsel for the applicants seeks permission to withdraw this Original Application with liberty to file a fresh one with appropriate pleadings and prayers. Permission is granted.

2. Original Application is dismissed as withdrawn in the above terms. No costs.


 (JUSTICE A.K. BASHEER)
 JUDICIAL MEMBER

“SA”

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

M.A. No. ~~181/2012~~ ¹⁰⁰⁰⁰⁹ of 2014
In
O.A. No. 62 of 2012

MISC. APPLICANTS/APPLICANTS

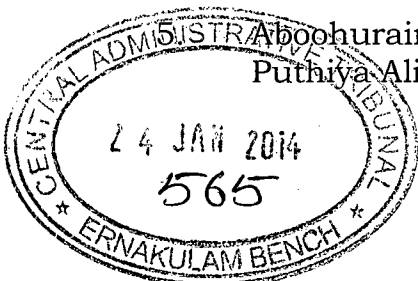
1. U.P. Abdul Khadar, aged 46 years,
S/o Muthukoya
Now working as Temporary Status Casual Labourer
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Kavaratti, Lakshadweep.
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Agatti Island, U.T. of Lakshadweep.

Vs.

RESPONDENTS/RESPONDENTS

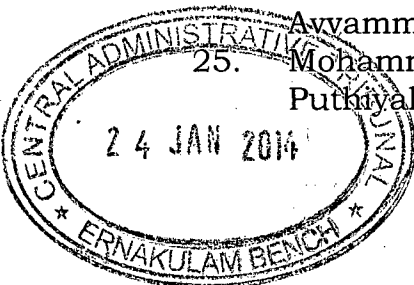
1. Union of India, rep. by Secretary
Ministry of Agriculture, Government of India
New Delhi. - 110 001.
2. The Director, Department of Personnel & Training
Ministry of Personnel, P.G. & Pension
Government of India, New Delhi - 110 001.
3. The Administrator
Union Territory of Lakshadweep, Kavaratti. - 682 555
4. The Director, Agriculture
Department of Agriculture,
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Abboohuraira P.A. S/o Kunhisethikoya P.V.
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6. Irshad Khan K., S/o Aboobacker Kunhi,
Kakkolliyoda, Kavaratti Island, UT of Lakshadweep. – 682 555.
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25. Mohammed Rafi P.A., S/o Rasheedkoya C.H.,
Puthiyalikom, Kiltan, UT of Lakshadweep.



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MISCELLANEOUS APPLICATION FILED UNDER RULE 8(3) OF THE
C.A.T. (PROCEDURE) RULES

1. The applicants filed the above OA for the following reliefs:

- a) to call for the entire records leading to the issue of Annexure A-13 and all other connected records like Annex. A-10 and A-11 and quash Annex. A-13.
- b) to declare that the action of the respondents in issuing Annex. A-13 and appointing 21 persons in the post of Multi Skilled Employees (Common Cadre) is highly illegal, arbitrary, malafide in nature, discriminatory in character, unjust, unfair, unreasonable and unsustainable;
- c) to direct the respondents not to appoint any other persons in the post of Multi Skilled Employees (Common Cadre) pending disposal of the OA except the Temporary Status Casual Labourers on the basis of Annex. A-14 order dated 22-11-11 issued by this Hon'ble Tribunal;
- d) Pass any other appropriate order or orders, directions which are deemed just and necessary in the facts and circumstances of the case;

2. Thereafter this Hon'ble Tribunal as per order dated 29-1-2013 issued the following direction:

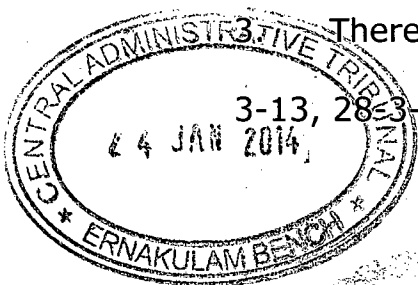
"The respondents shall furnish the following information on the next date of hearing on 19-2-2013:

- a) Subsequent to pronouncement of order dated 22 November 2011 (Annex. A-14), the number of temporary status employees whose services have been regularized and the vacancies against which they have been so regularized (year-wise, if any)
- b) Number of direct recruitees who have been appointed subsequent to the passing of the aforesaid order.
- c) Whether the quota of 2/3 and 1/3 is being maintained judiciously.

Copy of this order be made available to the counsel for the parties."

Thereafter the case came up for hearing on 19-2-2013, 5-3-13, 7-

3-13, 28-3-13, 4-4-13, 16-5-13, 17-6-13, 20-6-13, 2-7-13, 10-7-13, 18-



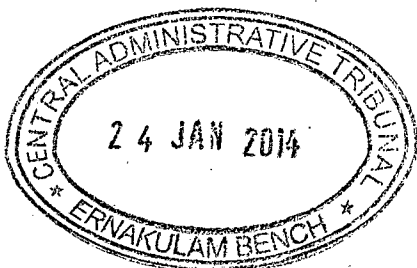
7-13, 24-7-13 and on 22-8-13, but, however, the respondents did not comply with the above direction of this Hon'ble Tribunal. The above details are highly necessary for a just decision of the case.

4. Therefore, the applicants filed M.A. No. 934/2013 on 22-8-2013 for a direction to the respondents to produce the entire records as per specific direction of this Hon'ble Tribunal dated 29-1-2013 in OA No. 62/2012 and also take Contempt Proceedings against them for the non-implementation of the order dated 29-1-2013. A copy of the above M.A. was given to the respondents on 22-8-2013. But on that day this Hon'ble Tribunal was pleased to adjourned the case as per the request made by the official respondents to file an affidavit complying with the direction of this Hon'ble Tribunal dated 29-1-2013. Thereafter, the case came up for hearing on 29-8-2013, 13-9-2013, 01-11-2013 and 01-01-2014, but till date they official respondents did not file any Affidavit / Reply Statement complying with the direction of this Hon'ble Tribunal and purposely disobeying the direction of this Hon'ble Tribunal dated 29-1-2013.

5. Under the above circumstances, it is just and proper that this Hon'ble Tribunal may be pleased to take appropriate action against the respondents for the disobedience of the orders of this Hon'ble Tribunal dated 29-1-2013 as otherwise the applicants will be put to suffer irreparable loss, injury and hardship.

PRAYER

It is most humbly prayed that this Hon'ble Tribunal may be pleased to take appropriate action against the official respondents for the disobedience of the orders of this Hon'ble Tribunal dated 29-1-2013 and



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also pass any other order or orders which are deemed fit and proper in the facts and circumstances of the case.

VERIFICATION

We, (1) U.P. Abdul Khadar, aged 46 years, S/o Muthukoya, Now working as Temporary Status Casual Labourer, District Panchayat Office, Kavaratti, Residing at: Uluvapura House, Kavaratti, Lakshadweep, (2) Palliyat Koya, aged 46 years, S/o Koyamma Koya, Now working as Temporary Status Casual Labourer, Agricultural Unit, Androth, Residing at: Puthiya Illam, Androth Island, U.T. of Lakshadweep. (3) T.P. Mohammed Kasim, aged 44 years, S/o Abdul Khadar, Now working as Temporary Status Casual Labourer, Agricultural Unit, Androth, Residing at: Thattampokkada, Androth Island, U.T. of Lakshadweep. (4) U. Khalid, Umbiyoda, aged 47 years, S/o Mohammed T., Now working as Temporary Status Casual Labourer, Agricultural Unit, Agatti, Residing at: Thithikuttiyodu, Agatti Island, U.T. of Lakshadweep, do hereby verify that the contents of para 1 to 5 are true to our personal knowledge and paras 1 to 5 are believed to be true on legal advice and that we have not suppressed any material facts.

Applicants

1. U.P. Abdul Khadar

2. Palliyat Koya

3. T.P. Mohammed Kasim

4. U. Khalid, Umbiyoda

Date 19.01.2014
Place: Ernakulam


M.P. KRISHNAN NAIR
COUNSEL FOR THE MISC.APPLICANTS

