

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 611/2008

Dated this the 17th August, 2009

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HON'BLE Mrs. K. NOORJEHAN, ADMINISTRATIVE MEMBER

C.P. Abdul Hassan
Chemmenampally house
Kalpneni Island
U.T. of Lakshadweep

.. Applicant

By Advocate M/s Sanjay & Parvathi

Vs

- 1 The Administrator
 UT of Lakshadweep
 Kavarathi

- 2 The Director of Medical & Health Service
 U.T. of Lakshadweep
 Kavarathi

- 3 The Employment Officers
 Kavarathi
 Lakshadweep.

Respondents

By Advocate Mr. S. Radhakrishnan

This application having been heard on 31.7.2009 the Tribunal delivered the following-

ORDER

HON'BLE MS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant a native of Kiltan Island seeks employment as a casual labourer on compassionate ground without any delay.

- 2 The applicant a native of Kiltan Island in UT of Lakshadweep was employed as a casual labour in Indira Gandhi Hospital, Kavaratti during

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15.2.1988 to 5.6.1988. The grievance of the applicant is that despite several representations he was left out of the list of candidates for grant of casual work and that others have been engaged by the second respondent without observing any of the formalities under the Compulsory Rectification of vacancies Act then prevailed in UT of Lakshadweep. He is also aggrieved by Annexure A-8 memorandum dated 15.10.2000 rejecting his request for casual employment on the ground that neither his name was sponsored by the District Employment Officer nor has he represented to the department for casual employment and that Govt. of India has banned recruitment of Casual Labourers. The applicant is challenging Annexure A-8 on the ground that he has submitted several representations and his personal hardships and the recruitment of others without considering his claim, is a clear negation of the equity principles enshrined in Constitution of India.

3 The respondents in the reply statement submitted that the applicant is a person hailing from Kalpeni Island and admitted that he was engaged on daily wage basis and that he was enrolled as a casual labourer in Indira Gandhi Hospital, Kavaratti from 15.2.88 to 5.6.1988. There is no outright absorption of casual labourers in the post as such. They submitted that the persons named by the applicant were engaged as casual labourers for the purpose of washing of linen, cleaning and other works of PHCs, Kalpeni as ordered by the Administrator having been sponsored by the District Employment Exchange. They denied that the department is maintaining any list of candidates for engagement of labourers. The applicant was engaged and terminated twenty years back and the Department was not in a position to engage him continuously. They further submitted that in view of the ban imposed on the recruitment of casual labourers the Departmental requirements are met at present with the casual labourers engaged by the respective Panchayat bodies in the island. They further submitted that the applicant is free to compete himself when the regular post of Dhobi etc. if he

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is otherwise eligible. They submitted that the applicant cannot claim special preferential treatment.

4 I have heard learned counsels appearing for the parties.

5 The applicant is struggling to meet both ends from the meagre amount he gets from odd jobs in his neighborhoods. The case of the applicant is that he should have been engaged at least on casual basis on the basis of his employment as a casual labourer in the Indira Gandhi Hospital, Karvaratti more than twenty years back during 15.2.1988 to 5.6.1988. He has also produced details of persons engaged by the respondents on casual basis. A perusal of Annexure A-9 would show that persons engaged prior to and later than the engagement of the applicant are continuing on various posts. According to the applicant, despite repeated representations for engagement he was not engaged but others were engaged. The respondents have admitted the past service of the applicant but expressed their inability to engage him because of ban imposed by the Govt. Of India on casual engagement. They also submitted that now a days they are getting the work done through the casual labourers engaged by the Panchayat bodies.

6 I notice that there was no criterion followed in the engagement of casual labourers by the respondents. I find that several casual labourers are engaged with break and without break even in the Indira Gandhi Hospital and PHCs in various Islands etc. The applicant was sending repeated representations for engagement. But he was never given any engagement. The representation dated 12.8.2008 at Annexure A-10 has not so far been disposed of by the respondents.

7 In the circumstances, I am of the view that the interest of justice will be met if I dispose of the Application with directions. Accordingly, I

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dispose of the O.A. with the following directions :

- (i) the respondents are directed to invite applications from interested persons for engagement as casual labourers in the various Departments/Panchayats of U.T. Of Lakshadweep Islands and prepare a list on the basis of the year of registration in the Employment Exchange and circulate them to the various Departments/Panchayats to engage them in their turn.
- (ii) the respondents are directed to engage casual labourers in such a way that all registered persons will be getting equal days of work in a month available in the Department/Panjayat.
- (iii) the respondents are directed not to engage any other person other than in the list so prepared.
- (iv) the first respondent can direct the Panchayat to issue a job card under the National Rural Employment Guarantee Scheme, to the applicant which assures 100 days of casual engagement in a year.

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The O.A. is disposed of with these directions. No costs.

Dated 17th August, 2009.


K. NOORJEHAN
ADMINISTRATIVE MEMBER

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