

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.76/2002.

Tuesday this the 25th day of June 2002.
CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

P.K.Kasim, Store Clerk,
L.H.W., Amini Quarters,
Amini.

Applicant

(By Advocate Shri K.M.Muhammed Kunhi)

Vs.

1. The Union of India, represented by
Secretary to Government of India,
Ministry of Shipping, New Delhi.

2. The Chief Engineer & Administrator,
Office of the Chief Engineer &
Administrator, Andaman Lakshadweep
Harbour Works, Port Blair-744101.

3. The Deputy Chief Engineer,
Lakshadweep Harbour Works,
Kavarathi. Respondents

(By Advocate Shri C.Rajendran, SCGSC(R.1)

(By Advocate Shri S.Radhakrishnan (R2&3)

The application having been heard on 25th June, 2002
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant, a native of Kadamat Island in Lakshadweep was recruited as Store Assistant under the 2nd respondent in the year 1988 from Kavarathi and he was initially posted at Rangath in Andaman Island. Presently he is posted as Store Clerk in Lakshadweep Island at Amini. His grievance is that he is being denied the Island Special Duty Allowances. Therefore, he has filed this application for the following reliefs:

1. To declare that the applicant is an employee under Lakshadweep Harbour Works is entitled to get Island Special (Duty) Allowances (ISDA) at the rate stipulated by the Vth Central Pay Commission forthwith.

2. To declare that the Petitioner is similarly placed as beneficiaries in Annexure A-7 order and an employee of the Andaman Lakshadweep Harbour Works who is posted in the Islands of Lakshadweep with the liability of All India transfer.
3. To direct the respondents to continue to pay the Island Special (Duty) Allowances granted under Island Special (Duty) Allowances as per Office Memorandum No.20022/288-E.II(B) dated 24.5.1989 to petitioner. To call for the records leading to Annexure A-8 proceedings dated 4.7.2000 and set aside the same in so far as it contain the clause namely "employees who were recruited from two zones that is Andaman and Nicobar Islands and Lakshadweep are not entitled for payment of Island Special (Duty) Allowances/Island Special allowances."
4. Any other appropriate order or direction as this Hon'ble Tribunal may deem fit in the interest of justice."

2. We have heard the learned counsel of the applicant Shri Mohammed Kunhi, Shri C.Rajendran, SCGSC for the Ist respondent and Shri S.Radhakrishnan appearing for the respondents 2 and 3. Counsel of the respondents state that, it has been held by the Tribunal in its order in O.A.1282/2000, that a native of the Lakshadweep is not entitled to Island Special Duty Allowance when posted in any of the Islands in Lakshadweep and that the Island Special Duty Allowance would be due only to the mainlanders while posted in the Island and that the decision of the Tribunal has been upheld by the Hon'ble High Court of Kerala in O.P.No.3805/2002.

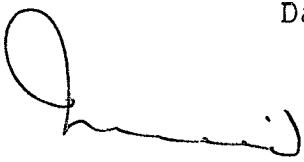
3. We have perused the order of this Tribunal in O.A.1282/2000 as also the order in O.P.3805/2002 of the Hon'ble High Court of Kerala. The issue involved in this case was gone into in detail by the Tribunal in its order and it was held that a native of the Lakshadweep when posted in any one of the Islands of Lakshadweep, is not entitled to the Island Special Duty Allowance. That case also was filed by the employees of the

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Lakshadweep Harbour Works, the dictum of the above referred case applies to this case as well. Following the decision aforesaid, we dismiss the application in limini without any order as to costs.

Dated the 25th June 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HAIDASAN
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures:

1. A-1: OM No. PEM/ADM/1(3)/81/3070 dated 7.9.1988.
2. A-2: OM No. 20022/2/88--E-II(b) dated 24.5.89 Govt. of India, Ministry of Finance.
3. A-3: OM dated 17.7.98 Govt. of India, Ministry of Finance.
4. A-4: OM No. 11(3)/95-E-II(B) dated 12.1.96 Govt. of India, Ministry of Finance.
5. A-5: Letter No. ALHW/Genl/5(26)/97 dated 19/20 February 1997 of Administrative Officer, ALHW, Port Blair.
6. A-6: Abstract of Central V Pay Commission Report.
7. A-7: Letter No. ALHW/Genl/5(21)/2000 dated 23.7.2000 Administrative Officer, ALHW, Port Blair.
8. A-8: OM No. ALHW/Genl/5(21)/2000 dated 4.7.2000 of Administrative Officer, ALHW, Port Blair.
9. A-9: Circular No. F.No.1(59)/83 services(CC) dated 3.9.83 of Lakshadweep Administration.
10. A-10: Representation submitted through proper Channel by the applicant on 14.3.2001.

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