

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE 13.8.93

O.A. 101/93

1. M.P. Pookoya, Casual Labourer
Animal Husbandry Unit, Kadmat Island
U.T. of Lakshadweep
2. A.P. Abdulla Keya, Casual Labourer
Animal Husbandry Unit, Kadmat Island
U.T. of Lakshadweep
3. K. Nallakoya, Casual Labourer,
Animal Husbandry Unit, Kadmat
U.T. of Lakshadweep
4. M.C. Alhamath, Casual Labourer,
Animal Husbandry Unit, Kadmat Island
U.T. of Lakshadweep
5. K.K. Nazer, Casual Labourer
Animal Husbandry Unit, Kadmat Island
U.T. of Lakshadweep

Applicants

vs.

1. Union of India represented by Secretary,
Ministry of Home Affairs, New Delhi
2. The Administrator, U.T. of Lakshadweep,
Kavaratti
3. The Director, Animal Husbandry Deptt.,
U.T. of Lakshadweep, Kavaratti
4. The Assistant Director, Animal Husbandry
Department, Poultry Section, U.T. of
Lakshadweep

Respondents

Mr. M.A. Shafik

Counsel for
applicant

Mr. M.V.S. Nampoothiri, ACGSC

Counsel for
R 2-4

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THE HON'BLE MR. N. DHARMADAN JUDICIAL MEMBER

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THE HON'BLE MR. R. RANGARAJAN ADMINISTRATIVE MEMBER

JUDGMENT

MR. N. DHARMADAN JUDICIAL MEMBER

Applicants are casual mazdoers. They are aggrieved by the denial of the second respondent to pay the applicants 1/30th of pay and allowances on the basis of Annexure A-2 judgment.

2. According to the applicants, they belong to S.T. community of the Lakshadweep Island and are working

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as casual labourers in the Animal Husbandry Unit in the Kadamath Island. They further submitted that they are discharging duties similar to the applicants in O.A. 37/90 and hence they are entitled to the benefits of this judgment which was followed in O.A. 1191/92, 1190/92 and 1212/92. According to them, there is no reason or justification for taking a different view in their case to deny the benefit as stated in Annexure R-1 order on the representation.

3. With these allegations they have filed this application jointly for a declaration that they are entitled to 1/30th of the relevant pay scale plus dearness and other allowances in terms of O.M. dated 7.6.88 interpreted by this Tribunal in the case referred to above.

4. Respondents have admitted in the reply that the applicants are working as casual mazdoors and they are continuing in service after trade test. They are eligible for increased rate of wages on passing the trade test. But according to them, the applicants are doing duties different from that of group-D employees and hence, they are not eligible for payment of salary in the pay scale of Rs. 750/- plus allowances as claimed by them.

5. The applicants filed rejoinder denying all the statements of the respondents in the reply. They have also produced Annexure A-5 order passed by the Administrator and stated that the applicants are graded as Skilled NMR Labourers fully eligible for higher rate of pay and allowances.

6. At the time of final hearing, the learned counsel for applicants produced before us a latest order passed by the Administrator on 24.6.93 granting benefits of the above judgments to casual employees who have filed the original applications relying on the judgment Annexure A-2.

7. Having regard to the facts and circumstances of the case, we are of the view that the second respondent should reconsider the claim of the applicants to get the benefits

of the judgment, Annexure A-2 in the light of the contentions of the applicants stated above.

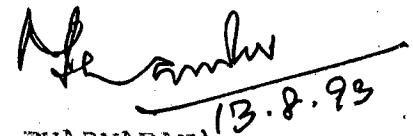
8. The learned counsel for respondents also submitted that the case of the applicants would be reconsidered by the Administrator taking into account their contentions in the light of Annexure A-2 judgment.

9. Under these circumstances, we remit this case and dispose of the same with the direction to the second respondent to consider afresh the case of the applicants and pass fresh orders in terms of Annexure A-2 notwithstanding Annexure R-1. This shall be done within a period of four months from the date of receipt of the copy of this judgment.

10. The application is allowed to the extent indicated above.

11. There shall be no order as to costs.


(R. RANGARAJAN)
ADMINISTRATIVE MEMBER


(N. DHARMADAN)
JUDICIAL MEMBER
13.8.93

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List of Annexures

1. Annexure A-2 : Judgment in O.A. 37/90
2. Annexure R-1 : O.M. dated 22.1.93
3. Annexure A-5 : Office order dated 25.1.89