

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.104/2000

Thursday this the 7th day of September, 2000

CORAM

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

1. B.Sayed Ismail Koya, S/o Shaikkoya, Mali  
Department of Agriculture Kilan Island,  
Union Territory of Lakshadweep,  
Residing at Miyyammad, Kiltan Island,  
UT of Lakshadweep.
2. K.Kunhimon, S/o T.P.Abdulla,  
Temporary status Labourer, Department of  
Agriculture, Kiltan Island,  
Union Territory of Lakshadweep,  
Residing at Kunnashada, Kiltan,  
UT of Lakshadweep.
3. B.I.Kaderkoya, S/o Hassan Koya,  
Temporary Status Labourer, Department  
of Agriculture, Kiltan Island,  
UT of Lakshadweep,  
Residing at Vlaiyillam, Kiltan,  
UT of Lakshadweep.
4. S.P.Muhammed, S/o Muthalif,  
Temporary Status Labourer, Department  
of Agriculture, Kiltan Island,  
UT of lakshadweep,  
Residing at Thayanepura,  
Kiltan, UT of Lakshadweep.
5. B.Koyakidave, aged about 55 years  
S/o Shaikoya Temporary Status  
Labourer, Department of Agriculture,  
Kiltan Island, UT of Lakshadweep,  
Residing at Miyyammada, Kiltan Island,  
UT of Lakshadweep. ...Applicants

(By Advocate Mr. MA Shefik)

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1. Union of India represented by  
the Administrator, UT of Lakshadweep,  
Kavaratti.
2. The Director of Agriculture,  
UT of Lakshadweep, Kavaratti.
3. The Chief Executive Officer,  
District Panchayath, Kavaratti.
4. Designated Officer,  
District Panchayath, Kiltan Island,  
UT of Lakshadweep. ..Respondents

(By Advocate Mr. S.Radhakrishnan (rep.)

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The application having been heard on 7.9.2000, the Tribunal on the same day delivered the following:

O R D E R

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

The first applicant is a Mali in the Agricultural Unit of Kiltan Island in Union Territory of Lakshadweep and applicants 2 to 5 are casual mazdoors with temporary status in the same unit. For implementation of some of the activities of the Administration through Panchayath the applicants were transferred to the charge of 4th respondent by orders Annexures.A2 and A3. The supervision of the work was taken over by the KVK under the ICAR. The 4th respondent issued Annexure.A4 order closing the muster roll from Agricultural Department sending them over to Panchayath Department. The present grievance of the applicants is that by the impugned order Annexure.A1 the third respondent directed the 4th respondent to direct the applicants to work under the KVK. It is alleged in the application <sup>1151</sup> as the KVK under the ICAR is not a regular establishment their chances of getting regular Group 'D' posts would be obliterated. They further apprehend that their placement at the hands of the Panchayath will jeopardise their chance of getting absorption on Group D posts which would occur in the Agricultural Department. The applicants therefore, have filed this application to set aside the impugned order Annexure.A1 for a declaration that the applicants being employees of the Agriculture Department are not liable to be transferred to any other department like Panchayath etc. without their consent.


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2. The respondents have filed their reply statement in which it has been contended that as some of the activities of the Administration have been transferred to the Panchayaths, the applicants' are being put to work for implementation of the scheme and they have been brought under the supervision of KVK for effective implementation of the scheme. The respondents have assured that by the above dispensation the chance of the applicants for regularisation on Group 'D' posts in the Agricultural Department would not <sup>be</sup> in any way affected. Temporary status casual mazdoors among the applicants' would be absorbed in their due turn as and when vacancies would arise in the Agricultural Department.

3. On a careful scrutiny of the pleadings, I find that there is no legitimate grievance of the applicants that calls for redressal. The apprehension of the applicants that their chances for regularisation on Group 'D' posts would be jeopardised by the present dispensation has no basis in the light of what is stated by the respondents in their reply statement.

4. The application is therefore dismissed leaving the parties to bear their own costs.

Dated the 7th day of September, 2000

  
A.V. HARIDASAN  
VICE CHAIRMAN

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List of annexures referred to:

Annexure.A1: True copy of the order  
F.No.44/18/99-DP(AGRI/69) dated 2.1.2000  
issued by the third respondent.

Annexure.A2: True copy of the Office Order  
F.No.yy99-2000As(Ktn) dated 1.3.5.99  
issued by the Agricultural Supervisor,  
Kiltan.

Annexure.A3: True copy of the office Order  
F.No.1/2/98-99As(Ktn) dated 13.5.99 issued  
by the Agricultural Supervisor, Kiltan.

Annexure.A4: True copy of office Memorandum  
F.No.11/2/98-DP dated 23.9.99 issued by  
the third respondent.

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