

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 162 of 1997.

Monday this the 7th day of July 1997.

CORAM:

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

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. L.F. Mohammed,
Inter Island Ferry Crew, P
Port Department, Kavarathi,
Union Territory of Lakshadweep.
2. A. Mashood, Inter Island
Ferry Crew, Port Department,
Kavarathi, Union Territory of
Lakshadweep.
3. S. Nahid, Inter Island Ferry
Crew, Port Department,
Kavarathi, Union Territory of
Lakshadweep.
4. P. Kadir Koya, Inter Island
Ferry Crew, Port Department,
Kavarathi, Union Territory of
Lakshadweep.
5. A.P. Mohammed Koya, Inter
Island Ferry Crew, Port
Department, Kavarathi,
Union Territory of Lakshadweep.
6. P. Ahammed, Inter Island Ferry
Crew, Port Department, Kavarathi,
Union Territory of Lakshadweep.
7. P.V. Koya, Inter Island Ferry
Crew, Port Department, Kavarathi,
Union Territory of Lakshadweep.
8. K.B. Abdul Hameed, Inter Island
Ferry Crew, Port Department,
Kavarathi, Union Territory of
Lakshadweep.

.. Applicants

Vs.

1. The Administrator, Union Territory
of Lakshadweep, Kavarathi.
2. Secretary, Department of Ports,
Union Territory of Lakshadweep,
Kavarathi,
3. Union of India-represented by
its Secretary to Government,
Ministry of Surface Transport,
New Delhi.

.. Respondents

(By Advocate Shri PR Ramachandra Menon, ACGSC)

The application having been heard on 7th July 1997,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE SHRI AV HARIDASAN, VICE CHAIRMAN

None appears for the applicants even today. The case has been adjourned to this date with a view to give the applicants a last chance. Even then, none appeared for the applicants. Shri PR Ramachandra Menon is appearing for respondents.

2. We have gone through the application and the annexures attached thereto. The applicants, who are appointed by the Lakshadweep Administration as Crew on Board, Inter Island Ferries, have filed this application for the following reliefs:

- "(i) Declare that the applicants are entitled to get pay and allowances on par with similar employees under Shipping Corporation of India,
- (ii) Declare that applicants are entitled to be considered as Union Territory of Lakshadweep Administration employees on deputation to Shipping Corporation of India with all service benefits including pay and allowances available to the employees under Shipping Corporation of India,
- (iii) to declare that all the applicants are entitled for all allowances on a par with sea-going vessel crews,
- (iv) to quash Annexure-A.14 order as the same is illegal and against the spirit of judgement dated 10.6.96,
- (v) grant such other reliefs as may be prayed for and the Tribunal may deem fit to grant, and
- (vi) grant the cost of this Original Application."

The applicants have alleged in the application that the employees

contd.



of the Shipping Corporation of India who are also working as Crew on Board the Ferries are performing identical duties as the applicants but are paid much higher wages. The non-payment of wages at the same rate as being paid to employees of the Shipping Corporation of India to the applicants who are performing identical duties according to applicants, is opposed to the principle of equal pay for equal work and violation of Article 14 of the Constitution, contend the applicants. The applicants had filed an application OA 618 of 1996 for identical relief as sought in this OA. OA 618/96 was disposed of by order dated 10.6.96, directing the respondents to dispose of a consolidated representation to be filed by the applicants. The representations submitted by the applicants have been disposed of by the impugned order Annexure-A.14. We have gone through the materials available on record very carefully. The impugned order Annexure-A.14 is a speaking order elaborately stating good reasons for the decision. The applicants, who are employees of the Port Department of Lakshadweep Administration, appointed on posts which carry specific pay scale, are governed by the service conditions of Central Government employees. They cannot claim parity with employees of the Shipping Corporation of India, who are governed by separate rules and are not Central Government employees. Since the applicants are not on deputation, their claim to be treated as on deputation, is also untenable. The applicants have in their representation stated that MP Abdulla Koya is being paid on par with Shipping Corporation staff. This has also been clearly explained in Annexure-A.14. Abdulla Koya is not a Central Government employee, but only a local person appointed as Shipping Corporation staff. Very clear and cogent reasons have been stated in the Annexure-A.14 order. We do not find even prima facie any legitimate grievance of the applicants, which requires further consideration and adjudication.

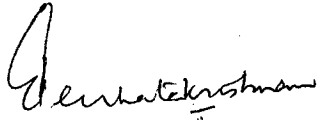
3. In the result, in the light of what is stated above, we

contd.

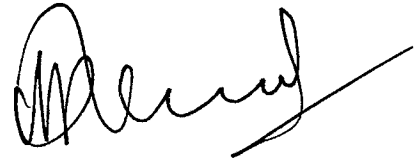
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reject the Original Application under Section 19(3) of the
Administrative Tribunals Act, 1985.

Dated the 7th July, 1997.



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



AV HARIDASAN
VICE CHAIRMAN

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