

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 167 of 2003

Friday, this the 28th day of February, 2003

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HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

1. M.P. Pookunhikoya,
S/o Koyammakoya,
Tally Clerk, M.V. Laccadives,
UT of Lakshadweep,
Residing at 'Quarters No.A-9',
Lakshadweep Quarters,
Panampilly Nagar, Cochin.Applicant

[By Advocate Mr. Shafik M.A]

Versus

1. Union of India represented by the
Administrator, UT of Lakshadweep,
Kavaratti.

2. The Executive Engineer,
Department of Electricity,
UT of Lakshadweep, Kavaratti.

3. The Port Officer,
UT of Lakshadweep, Kavaratti.

4. The Managing Director,
Lakshadweep Development Corporation,
Kochi.Respondents

[By Advocate Mr. S. Radhakrishnan]

The application having been heard on 28-2-2003, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

The applicant who is substantively a Helper to Lineman
under the 2nd respondent was allowed to work as Tally Clerk in
M.V.Ubaidulla owned by UT of Lakshadweep as per Annexure A-3
posting order dated 9-2-1998 issued by the Deputy Director
(Supply & Transport), ofcourse, with the concurrence of the 2nd

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and 3rd respondents. During the period of his tenure as Tally Clerk on board, the applicant was to be under the administrative control of the Deputy Controller (Supply & Transport) and he would attend all the laid down duties of the Tally Clerk. Later he moved on to work as Tally Clerk in M.V.Laccadives owned by UT of Lakshadweep. On the basis of some representations received from the Port staff, the 3rd respondent, by Annexure A-1 communication addressed to the 2nd respondent, requested him to withdraw the applicant and other similarly placed Tally Clerks in order to be posted in their parent department. Accordingly, by Annexure A-2 order dated 10-2-2003, the 2nd respondent has withdrawn the applicant from M.V.Laccadives with effect from 1-3-2003 FN and posted him on his withdrawal as Helper for Lineman in the Electrical Sub Division, Kochi. Being aggrieved by these orders, the applicant has filed this Original Application seeking the following main reliefs:-

- "(i) To call for the records relating to Annexure A-1 to A-13 and to quash Annexure A-1 & A-2 being illegal and arbitrary;
- (ii) To declare that the applicant is entitled to continue as Tally Clerk on board M.V.Laccadives and other vessel in the light of Annexure A-3 appointment and to direct the respondents to continue the applicant as Tally Clerk on board M.V.Laccadives or any other such vessels; and
- (iii) To direct the 1st respondent to dispose of Annexure A-13 representation immediately."

2. When the matter came up for consideration for admission, Shri Shafik M.A, learned counsel for the applicant, pointed out that the Port crew did not have adequate qualification to handle the work of Tally Clerks and therefore any proposal to replace persons like the applicant who are carrying out the work of Tally Clerk except by equally

qualified persons cannot be accepted. With considerable difficulty and after undergoing all the necessary training that the applicant has been able to do the work of Tally Clerk efficiently, and he has made some efforts to get absorbed in the organization also because of the inputs he has already earned, according to the learned counsel. He would particularly draw our attention to several representations made to the higher authorities, particularly Annexure A-13 representation dated 22-2-2003 being the latest one, seeking retention as Tally Clerk. He would further state that the applicant would be satisfied if Annexure A-13 representation is considered by the respondents fairly and judiciously and an appropriate order is passed within a time frame. Shri S.Radhakrishnan, learned counsel for the respondents, has stated that the respondents have no objection in taking this course of action and that the applicant's representation Annexure A-13 or any other more comprehensive representation that he may choose to file within a specified time would certainly be considered by the respondents in accordance with the instructions on the matter and an appropriate decision would be taken.

3. On the basis of the submissions made above by the learned counsel on either side, we consider it proper to dispose of this Original Application by directing the 1st respondent to consider the applicants Annexure A-13 representation or any other representation which the applicant may choose to file within a week from today and after due consideration of the relevant facts issue appropriate orders to the applicant within two months from the date of receipt of such representation, if any. We direct the 1st respondent

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accordingly. Till such orders are issued by the 1st respondent, the operation of Annexure A2 shall be kept in abeyance.

4. The Original Application is disposed of as above. No order as to costs.

Friday, this the 28th day of February, 2003



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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