

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

FREE COPY U/R 22  
O.A. 534/93, 602/93, 1146/93, 2200/93, 67/94, 183/94,  
229/94, 238/94, 1077/94, 210/94.  
FAT (PROCEDURE) RULES

Tuesday, this the 1st day of November, 1994.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

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

O.A. 534/93

M.G. Thulasidas  
S/o P.R. Kunjhikrishna Pillai  
Graduate Assistant (Malayalam)  
Government High School, Kavaratti  
Union Territory of Lakshadweep

Applicant

By Advocate Mr. P.V. Mohanan

vs.

1. The Administrator  
Union Territory of Lakshadweep  
Kavaratti

2. The Director of Education,  
Union Territory of Lakshadweep,  
Kavaratti

Respondents

By Advocate Mr. M.V.S. Namoothiri

O.A. 602/93

1. Amil B.V.  
S/o N. Vasavan  
Graduate Assistant (Mathematics)  
Government High School, Kadmat,  
Union Territory of Lakshadweep

2. Chandran Thettath  
S/o Kunhikelu T.  
Graduate Assistant (Mathematics)  
Government High School, Minicoy  
Union Territory of Lakshadweep

3. Vijayan K.  
S/o Kunhikrishnan  
Graduate Assistant (Mathematics)  
Government High School, Kalpeni  
Union Territory of Lakshadweep

Applicants

By Advocate Mr. P. V. Mohanan

vs.

1. The Administrator  
Union Territory of Lakshadweep  
Kavaratti

2. The Director of Education  
Union Territory of Lakshadweep

By Advocate Mr. M.V.S. Namoothiri

Respondents

O.A. 1146/93

1. Rameshan K.K. S/o Kelan K.  
Graduate Assistant (Hindi)  
Government High School, Kavaratti

2. Chandrasekharan P.P.  
S/o Appakunhi,  
Graduate Assistant (Hindi)  
Government High School, Kalpeni

Applicants

By Advocate Mr. P. V. Mohanan

vs.

1. The Administrator,  
Union Territory of Lakshadweep  
Kavaratti

2. The Director of Education,  
Union Territory of Lakshadweep  
Kavaratti

Respondents

By Advocate Mr. M.V.S. Nampoothiri

O.A. 2260/93

1. K. Amini D/o G. Philip  
Language Teacher (Malayalam) Grade-II  
Government Senior Basic School, Kavaratti

2. C. Rajendran S/o Chokkanathan  
Graduate Assistant  
Government High School, Kavaratti

3. Shihabuddin V.M. S/o V.C. Mohammed Methar  
Trained Graduate Teacher (Social Studies)  
Government High School, Kavaratti

4. Benny Mathew S/o Mathew  
Trained Graduate Teacher (Hindi)  
Government High School, Kavaratti

Applicants

By Advocate Mr. K.P. Dandapani

vs.

1. Union of India represented by the  
Secretary, Government of India  
Ministry of Home Affairs, New Delhi

2. The Administrator,  
Union Territory of Lakshadweep  
Kavaratti Islands

3. The Director of Education,  
Union Territory of Lakshadweep  
Kavaratti

Respondents

By Advocate Mr. M.V.S. Nampoothiri

O.A. 67/94

P.C. Roy  
Graduate Assistant (English)  
Union Territory of Lakshadweep

Applicant

By Advocate Mr. K.P. Dandapani

O.A. 238/94

BY ADVOCATE MR. M.V.S. NAMPOTHIRI

APPLICANT

3. UNION OF INDIA REPRESENTED BY SECRETARY  
TO MINISTRY OF HOME AFFAIRS, NEW DELHI

2. UNION TERRITORY OF LAKSHADEEP,  
KAVARATTI REPRESENTED BY ITS ADMINISTRATOR

1. THE DIRECTOR OF EDUCATION  
ADMINISTRATION OF UNION TERRITORY OF  
LAKSHADEEP, KAVARATTI  
OF LAKSHADEEP, KAVARATTI

VS.

BY ADVOCATE MR. K.P. NANDAPAN

APPLICANT

3. UNION OF INDIA REPRESENTED BY SECRETARY  
TO MINISTRY OF HOME AFFAIRS, NEW DELHI  
PARAMPALATH HOUSE  
MALIGURAM POST, COCHIN-10  
GEORGE MELFRED P.G.

O.A. 229/94

BY ADVOCATE MR. M.V.S. NAMPOTHIRI

APPLICANT

3. UNION OF INDIA REPRESENTED BY SECRETARY  
TO MINISTRY OF HOME AFFAIRS, NEW DELHI

2. UNION TERRITORY OF LAKSHADEEP,  
KAVARATTI REPRESENTED BY ITS ADMINISTRATOR

1. THE DIRECTOR OF EDUCATION  
ADMINISTRATION OF UNION TERRITORY OF  
LAKSHADEEP, KAVARATTI  
OF LAKSHADEEP, KAVARATTI

VS.

BY ADVOCATE MR. K.P. NANDAPAN

APPLICANT

2. UNION TERRITORY OF LAKSHADEEP,  
KAVARATTI REPRESENTED BY ITS ADMINISTRATOR  
LECTURER, M.G. COLLEGE, ANDROT  
BEEINA P.U. W/O JACOB VARKEY

1. C.P. GEETHA D/O C.K. PARAMESWARAM  
TEACHER, J.B. SCHOOL (CENTRE)  
ANDROT  
C.P. GEETHA D/O C.K. PARAMESWARAM

O.A. 183/94

BY ADVOCATE MR. M.V.S. NAMPOTHIRI

APPLICANT

3. UNION OF INDIA REPRESENTED BY SECRETARY  
TO MINISTRY OF HOME AFFAIRS, NEW DELHI

2. UNION TERRITORY OF LAKSHADEEP,  
KAVARATTI REPRESENTED BY ITS ADMINISTRATOR

1. THE DIRECTOR OF EDUCATION  
ADMINISTRATION OF UNION TERRITORY OF  
LAKSHADEEP, KAVARATTI  
OF LAKSHADEEP, KAVARATTI

VS.

2. Thomachan K.T.  
TGT (Social Studies)  
Government High School, Minicoy,  
Lakshadweep
3. Helen K. Jacob,  
TGT (Physics)  
Government High School  
Minicoy, Lakshadweep
4. Rosily V.O.  
TGT (Hindi)  
Government S.B. School  
Minicoy, Lakshadweep

Applicants

By Advocate K.P. Dandapani

vs.

1. Union of India represented by the  
Secretary, Government of India,  
Ministry of Home Affairs,  
New Delhi
2. The Administrator, Union Territory  
of Lakshadweep, Kavaratti
3. The Director of Education  
Union Territory of Lakshadweep,  
Kavaratti

Respondents

By Advocate Mr. M.V.S. Nampoothiri

O.A. 1077/94

C. Narayanan  
Chenal House  
Kalliaseri P.O.  
Kannur District-670 562

Applicant

By Advocate Mr. K. P. Dandapani

vs.

1. Union of India represented by  
the Secretary, Government of India  
Ministry of Home Affairs,  
New Delhi
2. The Administrator  
Union Territory of Lakshadweep  
Kavaratti Island
3. The Director of Education  
Union Territory of Lakshadweep,  
Kavaratti

Respondents

By Advocate Mr. M.V.S. Nampoothiri

O.A. 210/94

Sujatha R. W/o Sasikumar  
Trained Graduate Hindi Teacher,  
Government J. B. School,  
Minicoy

By Advocate Mr. C. Harikrishnan

vs.

1. The Director of Education  
U.T. of Lakshadweep, Kavaratti
2. The Administrator,  
U.T. of Lakshadweep  
Kavaratti
3. Union of India represented by Secretary  
to Government, Ministry of Home Affairs  
New Delhi

Respondents

By Advocate Mr. M.V.S. Nampoothiri

ORDER

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicants who belong to the mainland, are working as teachers under the Lakshadweep Administration, admittedly for long years, though their appointments were styled adhoc.

2. According to applicants, they were appointed in accordance with the rules and it is a misnomer to call the appointment adhoc. They rely on decisions of the Supreme Court to contend that long and uninterrupted officiation entails regularisation.
3. Respondents would submit that a decision has been taken by the Government of India to limit regular appointments to islanders, with a view to protect them in the special circumstance. Shri M.V.S. Nampoothiri appearing for respondents raised an ingenious and attractive argument to the effect that such special treatment is permissible as part of reservation policy. In answer, applicants would submit that irrespective of other considerations discrimination on the ground of residence is unconstitutional. We think that the Government of India should take a look at the question, whether long years of service can be wiped out without any consequence. They must also consider whether the policy of shutting out mainlanders or implementing reservation creating monopoly or 100% reservation, is permissible. Applicants may make a detailed representation

RECEIVED  
JULY 11 1967

setting out their case before respondent Union of India, within six weeks from today. Union of India shall consider the matter with reference to its legal and human aspects, and take a decision as expeditiously as they find convenient. Till such a decision is taken status quo as of today will be maintained and thereafter, the matter will be governed by such orders as the Government of India may pass.

4. Application is disposed of as aforesaid. No costs.

Dated the 1st November, 1994.

Sd/-

P. V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

Sd/-

CHETTUR SANKARAN NAIR (J)  
VICE CHAIRMAN

Kmn 11194

6/c

CERTIFIED TRUE COPY

Date 4.11.94

Deputy Registrar



A2  
4/11/94