

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 213 of 1995

Thursday, this the 4th day of July, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. B.C. Anwar, Son of T. Hassainar
of Amini Island, L.D. Clerk,
District Rural Development Agency,
U.T. of Lakshadweep,
working at Sub Divisional Office, Amini.
2. T.P. Hameedath, Daughter of Puthiyachetta
Khader Haji, L.D. Clerk,
District Rural Development Agency,
U.T. of Lakshadweep,
working at Addl. Block Development Office,
Agathi.
3. A.K. Sathrambi, Daughter of M.P. Cheriyaakoya,
L.D. Clerk, District Rural
Development Agency, U.T. of Lakshadweep,
working at Additional Block
Development Office, Kalpeni. .. Applicants

By Advocate Mr. P.S. Usuph

Versus

1. Union of India represented by
Secretary to Government of India,
Ministry of Home Affairs, New Delhi.
2. The Administrator,
Union Territory of Lakshadweep,
Kavaratti.
3. The Chairman, District Rural
Development Agency, Lakshadweep,
Kavaratti. .. Respondents

By Advocate Ms. Beena for Mr. MVS Nampoothiry

The application having been heard on 4th July, 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicants, 3 in number, seek regularisation of their services. According to them, they have been working under respondents for long years and that is evidenced by certificates like A-1 and A-2.

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2. The main plank of their case is that similarly situated persons have been regularised. To lace their submission, applicants referred to a decision of a Bench of this Tribunal in OA No. 659/92. The learned Members observed:

"when the case was taken up for final hearing it is brought to our notice that the question of regularisation of persons similarly situated was considered in a number of cases, viz. OA 1140/90 According to applicant, these decisions would apply respondents have no case that these cases referred have no application to the facts of this case. ...".

On these premises applications were allowed.

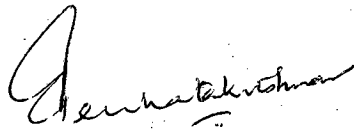
3. Facts do not constitute precedents. It is only principles that are precedents. The decision in the case cited was rested neither on principles, nor on precedents. With great respect we say so, because we find no principle in law on which the decision is rested, nor any reference to factual details, which at least would establish similarity. The decision in OA 659/92 must be read as limited to that case, and it cannot offer a principle to be followed in other cases. Whether applicants are eligible to be regularised or not, would depend on the facts of their cases, as pointed out by learned Counsel for respondents.

4. Applicants may make representations, substantiate them with facts, and seek redress before respondent Administrator. If representations are made, second respondent Administrator

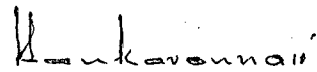
will take a decision thereon within six months of the date of receipt of the representations.

5. Application is disposed of as aforesaid. Parties will suffer their costs.

Dated the 4th July, 1996



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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List of Annexures

Annexure-A1:- True copy of certificate dated 21.8.1985 issued to the 1st applicant by the Assistant Engineer(Electrical Sub-division) Amini.

Annexure-A2:- True copy of certificate dated 22.1.1986 issued by Block Development Officer, Amini to the 1st applicant.