

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 259/93 109

DATE OF DECISION 12-2-1993

K Sayed Buhari & 30rs. Applicant(s)

Mr MK Damodaran Advocate for the Applicant(s)

Versus
The Administrator, Union Territory
of Lakshadweep, Kavarathy & others. Respondent(s)

Mr NN Sugunapalan Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N Dharmadan, Judicial Member
and

The Hon'ble Mr. R Rangarajan, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *to*
3. Whether their Lordships wish to see the fair copy of the Judgement? *to*
4. To be circulated to all Benches of the Tribunal? *to*

JUDGEMENT

Shri N Dharmadan, J.M

The applicants are presently working as casual labourers under Respondent-2. The first applicant was engaged for work from 16.11.82, second applicant from 19.9.90, third applicant from 19.7.83 and fourth applicant from 24.1.77. They are all working as casual labourers on daily wages. According to the learned counsel for the applicants, they are discharging the duties of regular employees and they are entitled to the benefits of regular employment. A similarly situated person who was working as casual labourer filed OA 37/90 in this Tribunal raising identical question. The same was heard and allowed by the judgment of this Tribunal rendered on 30.8.91 at Annexure-1.

The operative portion of the judgment is extracted below:

"5. In the facts and circumstances, we allow the application with the direction that the applicant is entitled to a daily wage of 1/30th of the minimum of the Class IV scale of Bull Attendant/ Milkman i.e. Rs 750-940 plus dearness allowance for 8 hours of work per day in accordance with the Department of Personnel's OM No.49014/2/Est(c) dated 7.6.88 for the period he worked as a casual labourer in the Fodder Unit of the Animal Husbandry Department. The arrears of wages and allowances, however, will be paid to him for the period commencing from three years prior to the date of filing of this application. The payment of arrears should be made good within a period of three months from the date of communication of this order."

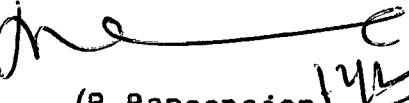
2 After the judgment was pronounced, the applicants have filed a joint application dated 21.10.92 at Annexure-2 before Director of Animal Husbandry, Respondent-2. That representation has not been disposed of so far. Hence, they have filed this application under Section 19 of the Administrative Tribunals Act of 1985 mainly for a direction to the respondents to consider and dispose of the representation, bearing in mind the decision of this Tribunal in OA 37/90 at Annexure-I judgment and grant them arrears of wages treating them as identically situated like the applicant in the above case.

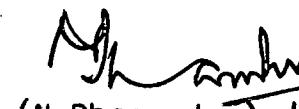
3 At the time when the case was taken up for admission, we have heard the learned counsel for the respondents, who sought some more time to get instructions, but after hearing counsel of both sides, we are satisfied that this case can be disposed of at the admission stage itself as appears to be covered by the judgment of this Tribunal in OA 37/90 at Annexure-I. It is the duty of Respondent-2 to examine whether the applicants claim can be accepted

and relief granted in the light of our observations and finding in OA 37/90.

4 Having heard the counsel on both sides, we admit this application and dispose of the same directing Respondent-2 to consider and pass orders on the representation of the applicants at Annexure-2 ~~and 2~~ after examining carefully whether the applicants are also similarly situated like the applicant in the judgment at Annexure-I. If he finds that the applicants are similarly situated like the applicant in that case, ^{he may} grant the same relief which has been granted in the said judgment. This shall be done within a period of two months from the date of receipt of a copy of this judgment.

5 The application is disposed as above. There will be no order as to costs.


(R. Rangarajan)
Administrative Member


(N. Dharmadan) 12-2-93
Judicial Member

12.2.1993