

FREE COPY UIR 22
OF C.A.T. (PROCEDURE) RULES

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.1149/94, O.A.1349/94, O.A.1375/94, O.A.1652/94, O.A.259/95

O.A.554/95, O.A.560/95, O.A.582/95 and O.A.583/95

Thursday, this the 29th day of June, 1995.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

O.A.1149/94

Attakkoya K,
Filaria Assistant(Casual Labourer),
Indira Gandhi Hospital,
Kavaratti.

- Applicant

By Advocate Mr PV Mohanan

Vs

1. The Administrator,
Union Territory of Lakshadweep,
Kavaratti.
2. The Director of Medical & Health Services,
Union Territory of Lakshadweep,
Kavaratti.

- Respondents

By Advocate Mr MVS Nampoothiry

O.A.1349/94

1. A Nazar, Casual Labourer,
Directorate of Fisheries,
Kavaratti.
2. KP Arif, Casual Labourer,
Directorate of Fisheries,
Kavaratti.
3. K Attakoya, Casual Labourer,
Directorate of Fisheries,
Kavaratti.
4. C Khalid, Casual Labourer,
Directorate of Fisheries,
Kavaratti.
5. M Mohammed Haneefa,
Casual Labourer, Directorate of
Fisheries, Kavaratti.



6. PP Mohsin, Casual Labourer,
Directorate of Fisheries,
Kavaratti.
 7. K Migdad, Casual Labourer,
Directorate of Fisheries,
Kavaratti.
 8. A Kunhikoya, Casual Labourer,
Directorate of Fisheries,
Kavaratti.
 9. BP Davood, Casual Labourer,
Directorate of Fisheries,
Kavaratti.
 10. VP Ayoob, Casual Labourer,
Directorate of Fisheries,
Kavaratti.
 11. MK Khader, Casual Labourer,
Directorate of Fisheries,
Kavaratti.
 12. VP Muthukoya, Casual Labourer,
Directorate of Fisheries,
Kavaratti.
 13. MI Thalhath, Casual Labourer,
Directorate of Fisheries,
Kavaratti.
 14. Saifulla P, Casual Labourer,
Directorate of Fisheries,
Kadamat Island, Kavaratti.
- Applicants

By Advocate Mr PV Mohanan

Vs

1. The Administrator,
Union Territory of Lakshadweep,
Kavaratti.
2. The Director,
Department of Fisheries,
Union Territory of Lakshadweep,
Kavaratti.
3. Union of India represented by
Secretary to Government of India,
Department of Personnel & Training,
Ministry of personnel, Public
Grievances & Pension,
New Delhi.

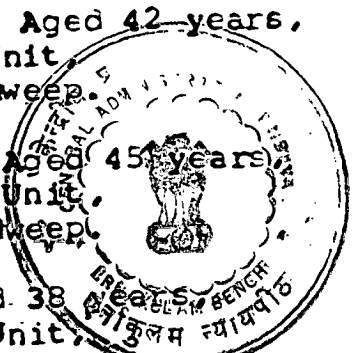
By Advocate MVS Nampoothiry (for R.1&2)

- Respondents



O.A.1375/94

1. T.K. Ibrahim, S/o P.P. Mohammed, Aged 34 years, Casual labourer, Government Agriculture Unit, Kadmat, residing at Kadmat Island.
2. A.C.Koyamma, S/o S.C.Muthukoya Haji, Aged 30 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
3. C. Zakkariya, S/o Shri. A.C.Abusala Haji, Aged 60 years, Casual labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
4. K. Abdulla, S/o Shri. P.P. Abusala, Aged 42 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
5. K.K. Koyamma, S/o Shri. S.K.Sainuddin, Aged 43 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
6. K.C. Mohammed, S/o Shri. U.C.Adima Haji, Aged 38 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
7. Smt. K. Suhara, D/o Nalakan Mohammed, Aged 44 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
8. A.C. Sayed, S/o Shri. K.P. Ander, Aged 48 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
9. M.K. Sayedali, S/o Shri. S.P.K.Andari, Aged 39 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
10. K.S. Abdulla, S/o Shri. K. Cheriyakoya, Aged 36 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
11. P.P. Abdul Hameed Haji, S/o Shri.T.P.Mohammed, Aged 40 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
12. A.C. Abdulla, S/o Shri. H.K. Cheriyakoya, Aged 42 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
13. B. Cheriyakoya, S/o Shri. A.P. Mohammed, Aged 45 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
14. A.C.Attakoya, S/o Shri. T. Mohammed, Aged 38 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.



- Applicants

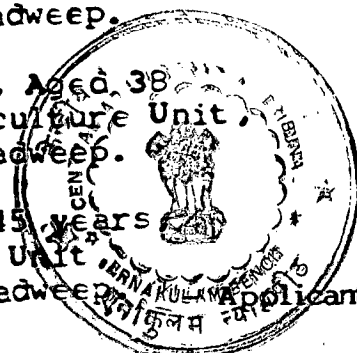
15. ⁻⁴⁻
r.P. Badar, S/o Shri. B.C. Abusala, Aged 37 years,
Casual Labourer, Government Agriculture Unit,
Kadmat Island, Union Territory of Lakshadweep.
16. T.P. Pookoya, S/o Shri. A.C. Abusala, Aged 38 years,
Casual Labourer, Government Agriculture Unit,
Kadmat Island, Union Territory of Lakshadweep.
17. U.C. Koyakidave, S/o Shri. M.K. Mohammed, Aged 55 years,
Casual Labourer, Government Agriculture Unit,
Kadmat Island, Union Territory of Lakshadweep.
18. T.H. Muthukoya, S/o Shri. P. Sayed, Aged 34 years,
Casual Labourer, Government Agriculture Unit,
Kadmat Island, Union Territory of Lakshadweep.
19. V.J. Ibrahim, S/o Shri. A.K. Abdulla, Aged 32 years,
Casual Labourer, Government Agriculture Unit,
Kadmat Island, Union Territory of Lakshadweep.
20. M.P. Koyakidave, S/o Shri. K.P. Sayed, Aged 36 years,
Casual Labourer, Government Agriculture Unit,
Kadmat Island, Union Territory of Lakshadweep.
21. M.P. Koyamma, S/o Shri. M.C. Kidave, Aged 42 years,
Casual Labourer, Government Agriculture Unit,
Kadmat Island, Union Territory of Lakshadweep.
22. Smt. K. Rahiyambi, D/o Shri. K.P. Kader, Aged 30 years,
Casual Labourer, Government Agriculture Unit,
Kadmat Island, Union Territory of Lakshadweep.
23. A. Muthukoya, S/o Shri. A.B. Hamid, Aged 32 years,
Casual Labourer, Government Agriculture Unit,
Kadmat Island, Union Territory of Lakshadweep.
24. T. Alimohammed, S/o Shri. A.C. Kasmi, Aged 34 years,
Casual Labourer, Government Agriculture Unit,
Kadmat Island, Union Territory of Lakshadweep.
25. T. Ibrahim, S/o Shri. K.P. Sayed, Aged 36 years,
Casual Labourer, Government Agriculture Unit,
Kadmat Island, Union Territory of Lakshadweep.
26. T. Mohammed, S/o Shri. T. Kidave Haji, Aged 38 years,
Casual Labourer, Government Agriculture Unit,
Kadmat Island, Union Territory of Lakshadweep.
27. K.P. Abdulla, S/o Shri. K.C. Sayedmohammed,
Aged 34 years, Casual Labourer, Government Agriculture Unit,
Kadmat Island, Union Territory of Lakshadweep.
28. T.P. Abdulkader, S/o Shri. M.C. Kasmi, Aged 44 years,
Casual Labourer, Government Agriculture Unit,
Kadmat Island, Union Territory of Lakshadweep.
29. B.P. Abdullakoya, S/o Shri. M.K. Kidave, Aged 46 years,
Casual Labourer, Government Agriculture Unit,
Kadmat Island, Union Territory of Lakshadweep.
30. L. Ahamedkoya, S/o Shri. U.C. Pookoya, Aged 48 years,
Casual Labourer, Government Agriculture Unit,
Kadmat Island, Union Territory of Lakshadweep.



31. U.C. Mohammed, S/o Shri. Alippura Aheed, Aged 32 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
32. B.C. Sulaiman, S/o Shri. M.C. Hamza, Aged 42 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
33. K.M. Abdulla, S/o Shri. K.K. Hassainar, Aged 48 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
34. P.P. Alimohammed, S/o Shri. A.C. Ahamed, Aged 38 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
35. K.S. Jaleel, S/o Shri. C. Nadeer Haji, Aged 34 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
36. P. Koyamma Haji, S/o Shri. M.K. Abdulkadiri Haji, Aged 50 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
37. Smt. P.J. Halima, D/o Shri. U.C. Ahamed, Aged 32 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
38. P.P. Abdulla Koya, S/o Shri. A.C. Ukkaas, Aged 38 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
39. K.C. Siddique, S/o U.C. Hamza, Aged 38 years, Casual Labourer, Government Agriculture Unit, Kadamat Island, Union Territory of Lakshadweep.
40. A.C. Ibrahim, S/o Shri. M.C. Ahamed, Aged 30 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
41. P.P. Cheriyaakoya, S/o Shri. M.C. Abdurahuman, Aged 42 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
42. K.P. Abdul Kader, S/o Shri. K.K. Kathib, Aged 40 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
43. M. Abdullakoya, S/o Shri. M.C. Sayed, Aged 34 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
44. Smt. P.P. Cheriyaabi, D/o Shri. M.C. Abdurahuman, Aged 45 years, Casual Labourer, Government Agriculture Unit, Kadmat Unit, Union Territory of Lakshadweep.
45. K.P. Ibrahim, S/o Shri. A.C. Abdulla, Aged 34 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
46. A. Shafi, S/o Shri. P.I. Kunhi, Aged 32 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.



47. A. Sayed, S/o Shri. Koormel Abusala, Aged 48 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
48. P.F. Sayed, S/o Shri. K. Abusala, Aged 36 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
49. K.C. Kidave, S/o Shri. P.K. Mohammed, Aged 42 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
50. Smt. L. Haja, D/o Shri. S.C.Kasmi, aged 45 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
51. Smt. N. Cheriya, D/o Shri. E. Maideen, Aged 55 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
52. Smt. R.K. Kadisabi, D/o Shri. K. Mohammed, Aged 45 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
53. Smt. K.C. Beefathumma, D/o P. Sayed, Aged 30 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
54. R.C. Abusala, S/o Shri. K.P. Ahamed, Aged 39 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
55. A. Sainulabid, S/o Shri. B. Mohammed, Aged 45 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
56. R.C. Aboosalakoya, S/o Shri. B.C. Shaik, Aged 38 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
57. K.M. Mohammed, S/o Shri. K.C. Koyakidave, Aged 48 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
58. Smt. T.T. Adiyatti, D/o Shri. C. Hassainar, Aged 39 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
59. Smt. K. Pathumma, D/o Shri. T.P. Ahamed, Aged 30 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
60. C.N. Hamid, S/o Shri. T.P. Issahak Haji, Aged 38 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
61. N. Kidave, S/o Shri. A. Hassainar, Aged 45 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.

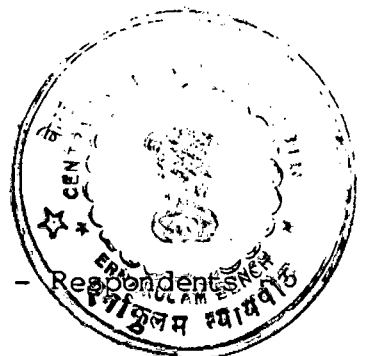


62. K.P. Mithdad, S/o Shri. A.K. Alimohammed, Aged 40 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
63. A. Attakoya, S/o Shri.K.Sulaiman, Aged 38 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
64. Thiruvathapura Pookoya, S/o Shri. A.K.Hamzath, Aged 33 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
65. M.C. Ibrahim, S/o Shri. K.M. Mohammed, Aged 38 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
66. N. Ibrahim Haji, S/o Shri. M.C. Hojan, Aged 36 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
67. U.C. Sammil, S/o Shri. A.P. Aheed, Aged 40 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
68. V.P. Cheriyaakoya, S/o Shri. M.K. Mohammed, Aged 35 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
69. M.S. Haris, S/o Shri.P.S. Lirar Haji, Aged 38 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
70. P.M. Kunhimon, S/o Shri. K.S.Pookoya, Aged 37 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
71. P.P. Kunhi Ahamed, S/o K.M. Subair, Aged 46 years, Casual Labourer, Government Agricultural Unit, Kadmat Island, Union Territory of Lakshadweep.
72. B. Kunhikoya, S/o P. Mohammed, Aged 39 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep.
73. P.P. Basheer, S/o P.P. Siraj, Aged 35 years, Casual Labourer, Government Agriculture Unit, Kadmat Island, Union Territory of Lakshadweep. - Applicants

By Advocate Mr MR Rajendran Nair

Vs

1. The Administrator,
Union Territory of Lakshadweep,
Kavaratti.
2. The Secretary, Department of Agriculture,
Union Territory of Lakshadweep,
Kavaratti.



3. The Union of India represented by
Secretary to Government,
Ministry of Home Affairs,
New Delhi.

- Respondents

By Advocate Mr MVS Nampoothiry (for R.1&2)

O.A.1652/94

1. BP Muthukoya,
Casual Labourer, Department of
Animal Husbandry,
Union Territory of Lakshadweep,
Kavaratti.
2. P Kunhikoya,
Casual Labourer,
Department of Animal Husbandry,
Union Territory of Lakshadweep,
Kavaratti.
3. CP Syedhuhari,
Casual Labourer,
Department of Animal Husbandry,
Union Territory of Lakshadweep,
Kavaratti.
4. K Kunhikoya,
Casual Labourer,
Department of Animal Husbandry,
Union Territory of Lakshadweep,
Kavaratti.
5. P Khalid,
Casual Labourer,
Department of Animal Husbandry,
Union Territory of Lakshadweep,
Kavaratti.
6. AK Ahammed,
Casual Labourer,
Department of Animal Husbandry,
Union Territory of Lakshadweep,
Kavaratti.
7. PV Pookoya, S/o Kidave,
Puthiyalupura, Kavaratti.
8. KP Habeeb, s/o Ammed,
Kuttithayapura, Kavaratti.
9. M Kunhikoya, S/o Ahmed Malmi,
Mekkara House, Kavaratti.
10. PK Kunhikoya, S/o Mohammed Haji,
Pokkakkada House, Kavaratti.

- Applicants

By Advocate Mr PV Mohanan

Vs

1. Director,
Department of Animal Husbandry, Kalpeni,
U.T. of Lakshadweep, Kavaratti.
2. The Administrator,
U.T. of Lakshadweep, Kavaratti.

- Respondents

3. Union of India represented by
Secretary to Government of India,
Department of Personnel & Training,
Ministry of Personnel, Public Grievances &
Pension, New Delhi.

- Respondents

By Advocate Mr MVS Nampoothiry (for R.1&2)

O.A.259/95

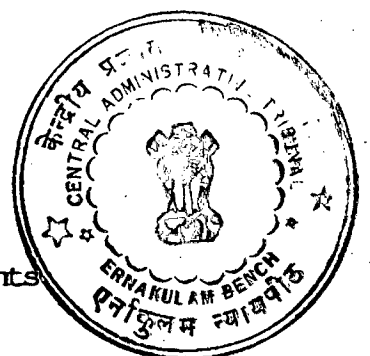
1. Kunnashada Badharudheen, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
2. E.K.Kunhikoya, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
3. Kadiyammada Mohammed Basheer,
Casual Labourer, Agricultural
Demonstration Unit,
Union Territory of Lakshadweep.
4. T.P.Pookunhikoya, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
5. Kunnashada Koyamma, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
6. Poovadakat Mohammed, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
7. Komalamkat Rafeeqe, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
8. F.Kadiyammada Hamzakoya, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
9. Nangummada Koyammakoya, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
10. P.V.P.Jamal, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
11. K.Cherrydam Pookunhi, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
12. Thachanal Mohammed, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.



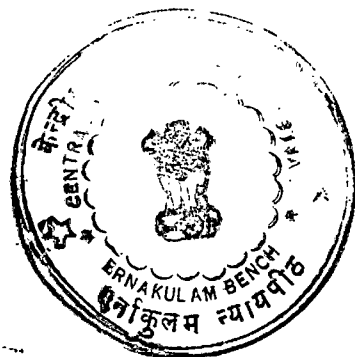
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28. Poodamkakada Manzakoya, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
29. Kandalathupra Khaleel, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
30. K.Cheriyadam Koya, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
31. Kandalath Pookunhi, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
32. Palliyat Koya, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
33. Chodath Cheriyakoya, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
34. P.P. Mohammed Kasim, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
35. Mullapura Mohammed, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
36. Kolikat Iyyannada Sayed Mohammed,
Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
37. Karachetta Khasim, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
38. Palliyat Cheriyakoya, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
39. Kanjarakakade Akbar, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
40. Kunhali Mohammed Basheer, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
41. Mathal Pura Manzakoya, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
42. Mathil Jaleel, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.

- Applicants



43. Karachetta Cheriyaakoya, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
44. P.P.Mohammed Kasim, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
45. Kunnashada Pookunhi, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
46. Kandalath Koya, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
47. Bappthiyoda Musthafa, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
48. Kunnashada Khaleel, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
49. Bilutheth Yacoob, casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
50. Kunichetta Pookunhi, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
51. Biriyaammada Kunshiseedi, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
52. Kattupura Ahammed, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
53. Mayampokada Ismail, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
54. Thattampokada Kasim, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
55. Kerakkada Hussain, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
56. Aliyathira Attakoya, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
57. Karakunnel Mallakoya, Casual Labourer,
Agricultural Demonstration Unit,
Union territory of Lakshadweep.
58. C.L.Kidave, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.



5. Aliyathira Hanzakoya, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
 60. Ponikam Pookunhi, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
 61. Kunnel Pookunhi, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
 62. Kunnashada Youshf, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
 63. Kunnashada 'B' Sayed Mohammed, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
 64. Kunnashada 'K' Nallakoya, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
 65. Mundaram Pathahulla, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
 66. Kunnashada Khaleel, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
 67. Karachetta Saraommapura Koyamma,
Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
 68. Chemuchery Lavanakal Muthukoya, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
 69. Meriyammada Thajiudeen, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
 70. Rahmath Manzil Koya, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
 71. Makkot Mohammed Farooque,
Casual Labourer, Agricultural
Demonstration Unit, Union
Territory of Lakshadweep.
 72. Belipura Attakoya, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
 73. K. Mayapura Thangakoya, Casual Labourer,
Agricultural Demonstration Unit,
Union Territory of Lakshadweep.
- 
- App



74. Puthampura Assainar,
Casual Labourer,
Agricultural Demonstration Unit,
U.T. of Lakshadweep.

75. aliyathammadakat Kidave,
Casual Labourer,
Agricultural Demonstration Unit,
U.T. of Lakshadweep.

- Applicants

By Advocate Mr Shafik MA

Vs

1. Union of India represented by
the Administrator,
U.T. of Lakshadweep.

2. The Director,
Department of Agriculture,
U.T. of Lakshadweep.

- Respondents

By Advocate Mr MVS Nampoothiry

O.A.554/95

1. PA Sayed Mohammed Koya,
Peon, Amin Cutchery,
Kiltan Island,
U.T. of Lakshadweep.

2. KP Attakidave, Peon,
Office of the Educational Director,
Kavaratti,
U.T. of Lakshadweep.

- Applicants

By Advocate M/s Shafik MA & KS Bahuleyan

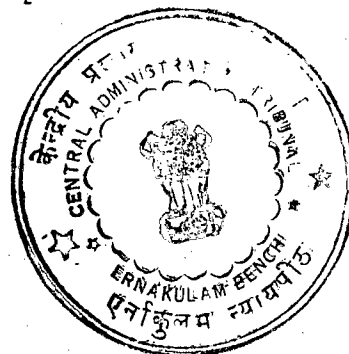
Vs

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

2. The Director,
Department of Animal Husbandry,
U.T. of Lakshadweep,
Kavaratti.

- Respondents

By Advocate Mr MVS Nampothiry



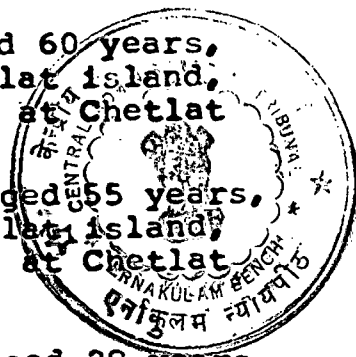
O.A.560/95

1. Shri.Siraj, PK Purathakkal, S/o Mohammed.C., aged 30 years, Casual Labourer, Agriculture Unit, Chetlat Island, Union Territory of Lakshadweep, residing at Chetlat Island.
2. Abdulrahiman, Thythottam, S/o Abubackor, aged 35 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.
3. Attakoya, Padipura, S/o Koyassan, aged 50 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.
4. Mohammed, Baliyapura, S/o Yusuf, aged 35 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.
5. Ahamed Kunhi, Nochilpura chetta, S/o Yousuf, aged 35 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.
6. Kunhiahamed, Tehkkilapura, S/o Abdullakoya, B.K., aged 55 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.
7. Syedkoya, Keelapura, S/o Ammed Kunhi, aged 50 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.
8. Amanulla, Madappalli, S/o Syedkoya.M., aged 35 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.
9. Mohammed, Ponnikam, S/o Ahamed.B., aged 38 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat island.
10. Attakoya, Kalkandiyoda chetta, S/o Abdulla.K., aged 35 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.
11. Shakki, Malmikakada, S/o Shamsan.K., aged 45 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.

- Applicants



12. Syedbukari, Keelapura, S/o Hubais, aged 40 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.
13. Yousuf, Attaloda, S/o Abdulrahiman, aged 32 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.
14. Ahamedkoya, Thekkila illam, S/o Kasmi.M., aged 35 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.
15. Hameen, Puthiyapura, S/c Mohammed.C., aged 30 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.
15. Khalid, Keelapura chetta, S/o Bammali.N.C., aged 30 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.
17. Kasmikoya, Kanniyakada, S/o Poriya, aged 48 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.
18. Abdullakoya, Rahiyapura, S/o Mohammed.M., aged 55 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.
19. Mohammed, Keelasurambi., S/o Shaik.A., aged 35 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.
20. Basheer, Madakkara, S/o Abdulla.M., aged 35 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.
21. Migdad, Purathakkal, S/o Ander.E., aged 40 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.
22. Mohammed , Kalladi, S/o Aboosala.T., aged 60 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.
23. Ahamed, Kurupupura, S/o Abdulkader.P., aged 55 years, Casual Labourers, Agriculture Unit, Chetlat island, Union Territory of Lakshadweep, residing at Chetlat Island.
24. Kaleel, Purathakkal, S/o Koyakunhi.B., aged 28 years,



Casual Labourers, Agriculture Unit, Chetlat island,
Union Territory of Lakshadweep, residing at Chetlat
Island.

25. Mohammed, Keelapura, S/o Bammali, aged 50 years,
Casual Labcurers, Agriculture Unit, Chetlat island,
Union Territory of Lakshadweep, residing at Chetlat
Island.
26. Pookoya, Purathakkal, S/o Ander.E., aged 35 years,
~~XXXXXXXXXX~~ Chetlat island, Union Territory of
Lakshadweep, residing at Chetlat Island.
27. Shaik, Baliyapura, S/o Yusuf.K., aged 58 years,
Casual Labourers, Agriculture Unit, Chetlat island,
Union Territory of Lakshadweep, residing at Chetlat
Island.
28. Kalid, Pathummaithiyoda , S/o Abdulla.C., aged 50
years, Casual Labourers, Agriculture Unit, Chetlat
island, Union Territory of Lakshadweep, residing
at Chetlat island.
29. Haris, Pokkarachapura, S/o Ubais, aged 55 years,
Casual Labourers, Agriculture Unit, Chetlat island,
Union Territory of Lakshadweep, residing at Chetlat
Island.
30. Ahamed koya, Surambi, S/o Attakoya.K., aged 32 years,
Casual Labourers, Agriculture Unit, Chetlat island,
Union Territory of Lakshadweep, residing at Chetlat
Island.

-Applicants

By Advocate Mr MR Rajendran Nair

Vs

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

- Respondents

By Advocate Mr MVS Nampoothiry(for R.1 &2)



O.A.582/95

PP Pookunhi,
Grade 'D' Peon,
Junior Basic School,
Mechery, Androth Island,
U.T. of Lakshadweep.

- Applicant

By Advocate M/s Shafik MA & KS Bahuleyan

Vs

1. Union of India represented by
Administrator,
U.T. of Lakshadweep,
Kavaratti.
2. The Director,
Department of Animal Husbandry,
U.T. of Lakshadweep, Kavaratti.

- Respondents

By Advocate Mr MVS Nampoothiry

O.A.583/95

M. Abdul Kader,
Casual Labourer,
Veterinary Unit, Amini Island,
U.T. of Lakshadweep.

- Applicant

By Advocate Mr Shafik MA & KS Bahuleyan

Vs

1. Union of India,
Administrator,
U.T. of Lakshadweep, Kavaratti.
2. The Director,
Department of Animal Husbandry,
U.T. of Lakshadweep,
Kavaratti.

- Respondents

By Advocate Mr MVS Nampoothiry

O R D E R

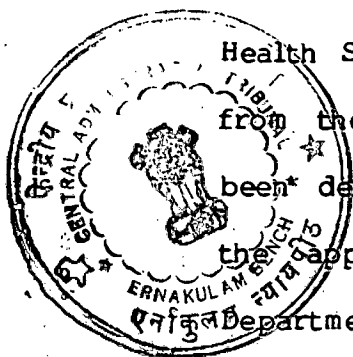
PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant in O.A-1149/94 is working as a Casual Labourer from 20.4.82 in the Indira Gandhi Hospital, Kavaratti. He contends that he is discharging the same duties as a regular Filaria Assistant. He relies on A.III orders dated 7.6.88 and several decisions of this



Tribunal to claim that he is entitled to daily wages at the rate of 1/30th of the minimum of the scale of Rs.750-940 plus Dearness Allowance from 7.6.88. Respondents have given him this daily rate from 1.9.93 and not from 7.6.88, by order A.VI, relying on orders R1 dated 10.9.93. Applicant challenges A.VI order and prays for a declaration that he is entitled to the revised wage from 7.6.88.

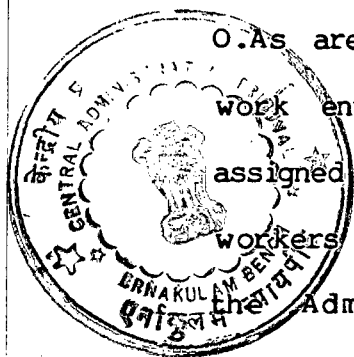
2. The 14 applicants in O.A-1349/94 are Casual Labourers in the Fisheries Department of the Lakshadweep Administration. They joined service on various dates in 1964 to 1989, as seen in A1. They state that though they are entitled to the daily rate of wages at 1/30th of Rs.750/- plus D.A.(their prayer only talks of "arrears of wages", no rate being mentioned) from the dates of entry into service, they have been paid revised daily wages only from 1.9.93. They rely on various decisions of the Tribunal and the orders of the Government of India dated 7.6.88(A3). They also state that by orders A2, the daily rated muster roll workers of the CPWD have been paid at the same rates as their regular and permanent counterparts from 1.4.87, in pursuance of the Supreme Court decisions in Surinder Singh and another V. Engineer-in-Chief of CPWD ((1986) 1 SCC 639) and All India CPWD Employee's Union V. Union of India and others. Applicants further state that by order A8, the casual labourers working under the Industries Department of the Lakshadweep Administration have been granted 1/30th of Rs.750/- plus D.A. as revised daily wages from 7.6.88. Applicants state that the casual labourers of the Animal Husbandry Department, the Directorate of Health Services and the Fibre Factory have been granted revised wages from their date of appointment. But by A7 order, applicants have been denied this benefit on the ground that the nature of work of the applicants and of the casual labourers in Animal Husbandry Department are different. This, contend applicants, is not the point at all. What is required is equivalence to the work of their



regular counterparts in their own department. Applicants pray that A7 be quashed and that they be declared eligible for revised wages with arrears from date of entry into service.

3. The 73 applicants in O.A-1375/94 are casual labourers in the Agriculture Department of the Lakshadweep Administration. They contend that their work is the same as that of regular malis in the Department, as seen from A1, A5, A6, A7 and A8. By A9 orders, the revised daily wage rates have been extended to the daily rated muster roll workers of Lakshadweep PWD from 28.11.88 in accordance with the Government of India orders dated 7.6.88(A3). But respondents granted the revised wages to the applicants only from 1.9.93 by order A15 and denied the revised wages from 7.6.88 by A16 order stating that the applicants "are not doing the same or similar work as the regular mazdoor/mali/Group'D' staff". Applicants rely on several decisions of the Supreme Court on equal pay for equal work and several decisions of the Tribunal to claim revised wages from 7.6.88 on the basis of A3 orders. There is also a prayer for regularisation with retrospective effect, which was not pressed at the hearing.

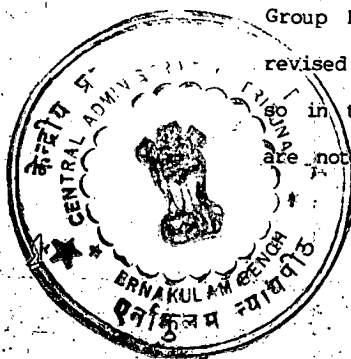
4. The 10 applicants in O.A-1652/94 are casual labourers in the Animal Husbandry Department of the Lakshadweep Administration. They are shown on a provisional seniority list AI. Several persons in this list were granted revised wages pursuant to orders of the Tribunal in O.A-37/90 and O.A-1190/92, but applicants were denied the benefit by order A.IV, on the ground that the benefits in the O.As are limited to the applicants therein and that the "operational work entrusted to them does not have any parity with the duties assigned to regular employees". But in the case of certain casual workers of the same department who were applicants in O.A-1212/92, the Administration initially rejected the claim for revised wages



stating, in A.V orders dated 14.12.92, that "after examining the case in great detail, the Administrator finds that ...since the labourers are performing (duties of a) casual nature with no relation to the duties performed by the Group D staff in the Animal Husbandry Department, they are in no way entitled for the benefits of 1/30th of pay plus allowances". Having stated so, the Administration nevertheless later issued orders A.VI dated 29.6.93 sanctioning the revised wages from 9.8.89, on the basis of the same O.A-1212/92, when they were faced with a contempt petition in CPC-38/93. Accordingly, applicants pray for the grant of revised wages on par with their regular Group D counterparts from the date of initial appointment.

5. The 75 applicants in O.A-259/95 are casual labourers working in the Agricultural Demonstration Unit in Androth from various dates in 1979 to 1981. They state that the benefits of revised wages in terms of A4 orders dated 7.6.88 have been paid to workers in the Public Works, Electricity, Industries and other Departments. However, in their case, respondents by orders A1, denied the benefits on the ground that they "are doing the same or similar work as that of regular mazdoors". Applicants were, nevertheless, granted revised wages from 1.9.93. Applicants contend that if they were eligible for the revised wages from 1.9.93, they should be eligible for it from 7.6.88 also, since in between the two dates, no change of the nature of duties had taken place. Applicants pray that A1 be quashed and that they be declared entitled to revised wages from 7.6.88.

6. The two applicants in O.A-554/95 worked as Casual Labourers in the Animal Husbandry Department from 12.6.78 and 1.8.78 respectively till 3.11.92 on which date they were regularised as Group D Peons. They allege that while the respondents have granted revised wages to several other workers, they have declined to do so in their case, by orders A1, on the ground that the applicants are not parties in O.A-37/90 nor similarly situated to the applicants



therein. Applicants pray for revised wages from 7.6.88.

7. The 30 applicants in O.A-560/95 are Casual Labourers in the Agriculture Department of the Lakshadweep Administration who joined service on various dates from 1979 to 1988. They perform, according to applicants, the same duties as regular staff as seen from A2 and A3. Casual workers in several other departments have been paid revised wages from 7.6.88 as seen from A7 and A8. Applicants, relying on several decisions of the Supreme Court and this Tribunal, claim revised wages from 7.6.88. There is also a prayer for regularisation with retrospective effect, which was not pressed during the hearing.

8. Applicant in O.A-582/95 was a Casual Labourer in the Animal Husbandry Unit at Androth from 30.9.77 till his regularisation on 17.4.91. His request for revised wages from 7.6.88 was rejected by A1 order on the ground that his work was entirely different from that of Group D staff. Applicant prays that A1 be quashed and that he be declared entitled to revised wages from 7.6.88.

9. Applicant in O.A-583/95 joined the Animal Husbandry Department on 26.11.83. He states that he was subjected to a trade test and declared a skilled labourer. Though he was granted revised wages from 1.9.93, his claim for revised wages from 7.6.88 was rejected by A1 order on the ground that he was not a party in O.A-37/90 nor was he similarly situated as the applicants in that O.A. Applicant relies on several decisions and prays that A1 be quashed and that he be declared entitled to revised wages from 7.6.88.

These cases depend on the interpretation and implementation of the orders of the Government of India, Ministry of Personnel, Public



Grievances and Pensions, Department of Personnel and Training, Orders No.4901412/86-Estt(C) dated 7.6.88(A4 in O.A-259/95) and are therefore disposed of by a common order.

11. Respondents have not filed any reply statements in O.As-554/95, 560/95, 582/95 and 583/95. In the replies filed in the remaining O.As, respondents have stressed that the nature of duties attached to casual workers cannot be equated to the duties of the regular staff, that the casual labourers belonging to different departments perform different duties which cannot be compared and the benefits granted in terms of some of the O.As decided by the Tribunal in respect of Casual Labour in some departments cannot be extended to all casual labour in all departments and that the benefits can be granted only to the applicants in terms of the decisions in their respective O.As. Respondents further state that the provisions relating to the directive principles of State Policy are not enforceable through a court of law(O.A-1149/94). According to respondents, work performed by casual workers is of casual nature and has no relation or comparison to the duties of a Group D staff in the Department of Animal Husbandry(O.A-1652/94). On the basis of a few certificates produced by some applicants that they had on some occasions performed duties of a regular mazdoor, all the labourers cannot be granted revised wages; at best only those applicants with such certificates can make a claim for enhanced pro-rata wages, and that only for such periods as they did the work of regular mazdoors(O.A-259/95). The scheme for grant of temporary status of 10.9.93 does not stipulate any conditions pertaining to the nature of the work done by the casual worker, whereas the orders dated 7.6.88 turn on the nature of the work done and therefore, entitlement to revised pro-rata wages from 1.9.93 does not carry with it an application that the entitlement arises from 7.6.88(O.A-1375/94 and O.A-259/95).



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12. Learned counsel for respondents drew our attention to the following observations of the Supreme Court in State of West Bengal and others V. Hari Narayan Bhowal and others, JT 1994(2) SC 610, at page 613:

"...In public services, nature of work in two services or in the same service, the nature of the work of the two groups may be more or less same. But merely on that ground they are not entitled to the same scale of pay. It is well known that scales of pay are fixed by expert bodies like the Pay Commissions, which consists of persons having specialized knowledge of the subject. Such Commissions while fixing the scales of pay or revising the same, have to go in depth, not only into the nature of work by members of the same service and members of different services but also various other factors before the scales of pay are fixed. One of the primary concerns of such Pay Commissions is to remove any anomaly and to see that members of different services get scales of pay and other emoluments not only according to the nature of work but also according to educational qualifications, responsibilities of the posts and experience etc. As such, before any direction is issued by the Court, the claimants have to establish that there was no reasonable basis to treat them separately in matters of payment of wages or salary.

This Court in the case of Delhi Veterinary Association V. Union of India, AIR 1984 SC 1221, said that in addition to the principle of 'equal pay for equal work', the pay structure of the employees of the Government should reflect many other social values. It was said:

"The degree of skill, strain of work, experience involved, training required, responsibility undertaken, mental and physical requirements, disagreeableness of the task, hazard attendant on work and fatigue involved are, according to the Third



Pay Commission, some of the relevant factors which should be taken into consideration in fixing pay scales. The method of recruitment, the level at which the initial recruitment is made in the hierarchy of service or cadre, minimum educational and technical qualifications prescribed for the post, the nature of details with the public avenues of promotion available and horizontal and vertical relativity with other jobs in the same service or outside are also relevant factors".

In the case of State of U.P. V. JP Chaurasia, AIR 1989 SC 19 = (1989) 1 SCC 121, it was pointed out that whether two posts are equal or should carry the equal pay, depends on several factors. It does not depend just upon either the nature of work or the volume of work done. Primarily it requires among others, evaluation of duties and responsibilities of the respective posts. The quantity of work may be the same but the quality may be different. That cannot be determined by relying upon averments in affidavits of interested parties. It must be determined by expert bodies like Pay Commission, who would be the best judges, to evaluate the nature of duty, responsibility and all relevant factors. The same view was reiterated in the case of State of M.P. V. Pramod Bhartiya, (1993)1 SCC 539, by a three Judges Bench of this Court. Recently, in the case of Shyam Babu Verma V. Union of India, JT 1994(1) SC, 574, a claim, for equal pay by a group of Pharmacists was rejected saying that the classification made by a body of experts after full study and analysis of the work, should not be disturbed except for strong reasons which indicate the classification made was unreasonable.

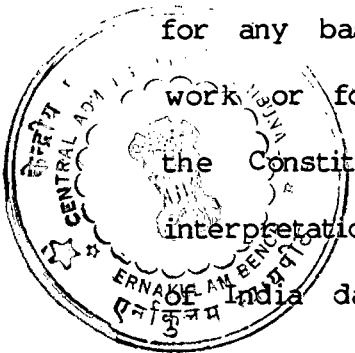
It need not be impressed that the principle of 'equal pay for equal work' can be enforced, only after persons claiming, satisfy the Court that not



only the nature of work is identical but in all other respects they belong to the same class and there is no apparent reason to treat equals as unequals. Unless a very clear case is made out and the Court is satisfied that the scale provided to a group of persons on the basis of the material produced before it amounts to discrimination without there being any justification, the Court should not take upon itself the responsibility of fixation of scales of pay, especially when the different scales of pay have been fixed by Pay Commission or Pay Revision Committees having persons as members who can be held to be experts in the field and after examining all the relevant material. It need not be emphasised that in the process undertaken by the Court, an anomaly in different services may be introduced, of which the Court may not be conscious, in the absence of all the relevant materials being before it. Till the claimants satisfy on material produced, that they have not been treated as equals within the parameters of Article 14, Courts should be reluctant to issue any writ or direction to treat them equal, particularly when a body of experts has found them not be equal."

Learned counsel for respondents argued that when the respondents had made an analysis of the nature of work done by the applicants and found that it is different from that of the regular employees, in terms of the orders dated 7.6.88, the Court may not interfere and declare to the contrary. It should be left to the Administration to decide on parities of work and order wages accordingly.

13. We may first clarify that the present cases do not call for any basic application of the principle of equal pay for equal work or for enforcing any Directive principles of State Policy in the Constitution of India. We are only on the question of the interpretation and implementation of the orders of the Government of India dated 7.6.88(A4 in O.A-259/95). The basis for the said



Government orders might have been the principle of equal pay for equal work and the judgement of the Supreme Court in Shri Surinder Singh's case(supra) but it does not follow that we are applying the principle in adjudicating the matter before us which is, simply stated, to decide whether the applicants are entitled to pro-rata wages in terms of A4 orders (in O.A-259/95) from 7.6.88. A4 orders (in O.A-259/95) dated 7.6.88 are stated to be "guidelines". Clause 1(iv) reads:

"Where the nature of work entrusted to the casual workers and regular employees is the same, the casual workers may be paid at the rate of 1/30th of the pay at the minimum of the relevant pay scale plus dearness allowance for work of 8 hours a day".

(Emphasis added)

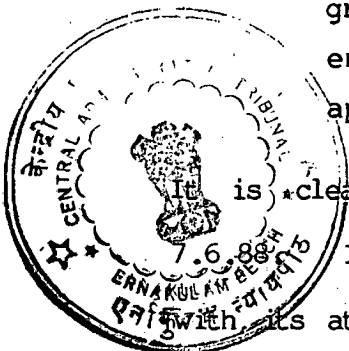
Clause 1(v) reads:

"In cases where the work done by a casual worker is different from the work done by a regular employee, the casual worker may be paid only the minimum wages notified...However, if a Department is already paying daily wages at a higher rate, the practice could be continued with the approval of..."

14. The Government of India reviewed this order dated 7.6.88 and issued OM.51016/2/90-Estt(C) dated 10.9.93(A14 in O.A-1375/94). It states:

"...while the existing guidelines contained in OM dated 7.6.88 may continue to be followed, the grant of temporary status to the casual employees...may be regulated by the scheme as appended."

It is clear that OM dated 10.9.93 does not supersede OM dated 7.6.88. It adds a further benefit, the grant of temporary status with its attendant benefits. It is true that grant of temporary status

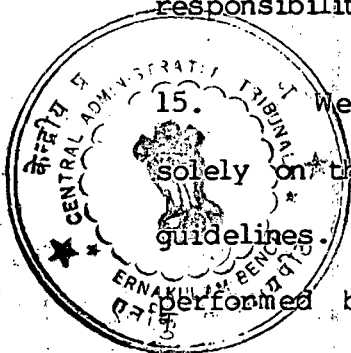


under OM dated 10.9.93 entitles an employee to get:

"5(i) Wages at daily rates with reference to the minimum of pay scale for a corresponding regular Group 'D' official including DA, HRA and CCA".

(Emphasis added)

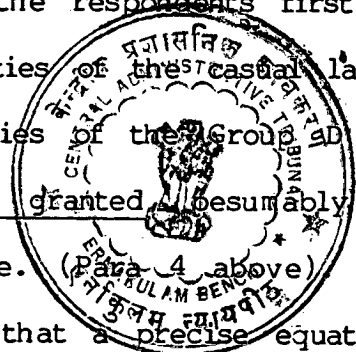
But it does not follow that pro-rata wages are payable only on grant of temporary status. Under OM dated 7.6.88 it is payable even if temporary status is not granted, provided the nature of work entrusted to a casual labourer is the same as that of a regular employee. Of course, if temporary status is granted in terms of the OM dated 10.9.93, the nature of work of the casual worker may not have to be explicitly compared and found same as that of a regular employee; nevertheless, there is an implicit comparison of the nature of work involved, since one has to determine the minimum of the pay scale of a corresponding regular Group D official. It would not, therefore, be correct to assert that nature of work is not of relevance in the OM dated 10.9.93. At best, it may be said that the degree of correspondence in the nature of work envisaged in the OM dated 10.9.93 is wider than the degree of correspondence required in the OM dated 7.6.88. On this basis, we cannot accept the argument (advanced by applicants in O.A-259/95) that every casual labourer who is given temporary status and pro-rata wages under the OM dated 10.9.93 is automatically entitled to pro-rata wages in terms of the OM dated 7.6.88. This would be so even if the conferment of temporary status involves no change in the duties and responsibilities of the casual labourer.



We therefore have to consider the claim of the applicants solely on the basis of the OM dated 7.6.88. The OM lays down only guidelines. We find that the OM does not insist that the duties performed by the casual labourer should be the same as that of a

regular employee. A mathematical equality of the duties performed by the two categories is not called for. It is only the nature of work entrusted that has to be the same. The phrase 'nature of work is the same' connotes a broad equivalence as compared to the phrase 'the work is the same'. It is well known that casual labourers do not have a charter of duties laid down, as may be the case for regular employees. Casual labourers are engaged depending on need and assigned work on a day-to-day basis, the work often varying every day. Even such work would not be assigned ordinarily by written orders. Such being the fuzzy nature of the work performed by a casual labourer in contrast to well-defined duties performed by regular employees, a mathematical equation between the two is not feasible. One cannot equate a precise entity to an imprecise entity. Besides, while the list of duties assigned to a regular employee may contain several items, it is not as if all of them are performed every day; in fact some of them may simply be on the list and are never performed by a particular regular employee. One or more of such items of work, but not all, may be performed by a casual labourer. Can it be said then that the nature of work done by him is not the same as that done by the regular employee? Therefore, one must conclude that the OM dated 7.6.88 only envisages a broad comparison of the nature of the work between the two categories and not a precise equation of the duties of the two categories.

16. We are also struck by the fact that while dealing with the decision of the Tribunal in O.A-1212/92, the respondents first found after a detailed examination, that the duties of the casual labourer - applicants have no relation to the duties of the Group AD staff, but subsequently, the pro-rata wages were granted, presumably since the nature of work was found to be same. (Para 4 above) This is a good illustration of the proposition that a precise equation is



not called for but only a broad comparison of the nature of work. It also indicates that the cases of the applicants have not been dealt with applying uniform standards but in an arbitrary manner.

17. In the light of the above discussion, the impugned orders in the applications before us cannot be sustained. At once, we do not order pro-rata wages to be paid from 7.6.88, since we cannot perform the task of comparison of the nature of the work entrusted to the applicants herein and the work of regular employees. That must be an exercise which perforce must be performed only by respondents. The fact that all the casual labourers in certain departments have been granted pro-rata wages from 7.6.88, and that many others in the departments to which applicants belong have been extended the benefit of pro-rata wages strongly suggest that non-grant of pro-rata wages to casual labourers from 7.6.88 should be the exception rather than the rule, confined only to cases where they perform work, the nature of which is totally different from that of a regular employee. The comparison should be a broad one and need not be a mathematically precise equation.

18. The respondent - Administrator, Union Territory of Lakshadweep is directed to examine the cases of the applicants herein and take a fresh decision within four months as to whether they are entitled to pro-rata wages in terms of the OM dated 7.6.88, in the light of the discussion above. Wherever they are found eligible, payment of the difference between the pro-rata wages to which they are entitled and the wages paid already shall be paid within six months of the date on which such revised orders are passed by respondent-Administrator, Lakshadweep Administration.

19. The applications are allowed to the extent stated above. There will be no order as to costs.

Dated, the 29th June, 1995.

Sd/-

PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

Sd/-

CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

trs/286



CERTIFIED TRUE COPY

Date 5-12-95

Deputy Registrar

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5/12/95