

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 321 of 1994

Wednesday this the 21st day of December, 1994.

CORAM

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

HON'BLE MR.S.P. BISWAS, ADMINISTRATIVE MEMBER

S.Baby Girija,
W/o Vijayan,
Meenakshi Mandiram,
Vilabhagom,
Nedumkandom PO
Kadakkavoor.

... Applicant

(By Advocate Mr. M.R.Rajendran Nair)

Vs.

1. The Administrator,
Union Territory of Lakshadweep,
Kavarathi.

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

3. The Employment Officer,
Lakshadweep, Kavarathi. Respondents

(By Advocate Mr.MVS Namboodiri)

O R D E R .

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant who belongs to the mainland, is working as teacher under the Lakshadweep Administration, admittedly for long years, though her appointment was styled adhoc.

2. According to applicant, she was appointed in accordance with the rules and it is a misnomer to call the appointment adhoc. She relies 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.Namboodiri 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, applicant 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. Applicant may make a detailed representation setting out her 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 21st December, 1994.



S.P. BISWAS
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

ks2212