

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 346 of 2011

Thursday, this the 27th day of October, 2011

CORAM:

Hon'ble Mr. Justice P.R. Raman, Judicial Member

1. Nallakoya, Thajmahal, S/o. Shikh Panthal, 39 years.
2. Mohammed Vadakilaillam, S/o. Cheriyaakoya Puthiyapura, 38 years.
3. Abdul Latheef, Puthiyamullam, S/o. Anthu, Ayshabiyakudi, 43 years.
4. Mujiburaheman, Surambiykall, S/o. Koyama, Kathiyakudi, 36 years.
5. Ashraf, Nizamanzil, S/o. Abdul Kader, Puthiyapura, 29 years.
6. Ashraf, Kunnamkalam, S/o. Abdul Kader, Kunnamkalam, 33 years.
7. Sayed abdullakoya Attakudi, S/o. Hamza Pachada, 36 years.
8. Mohammed Koya, Ukayachatta, S/o. Lirar Haji, Puthiyapura, 43 years.
9. Hamzakoya Vadakilaillam, S/o. Sayed Mohammed Puthiya Bangala Surambi, 29 years.
10. Zakkir Hussain Kunnichatta, S/o. Kidav Melilapura, 33 years.
11. Abdul Jabbar Theruvathapura, S/o. Anthu Ayshabiyakudi, 44 years.
12. Abdulla Koya Pandal, S/o. Attal Musaliyar, 43 years.
13. Zakariya Beebiyakudi, S/o. Ibrahim Kutty, 35 years.
14. Jaleel Rahmath Manzil, S/o. Kunhi Purath Pura, 26 years.
15. Smt. Muthubi Somana House, D/o. Irshad Bangalapura, 32 years.
16. Smt. Safiyabi Puthiyathakal, D/o. Attakidave Kunnamgalam, 32 years.
17. Smt. Kadeejabi C.P., Balkees Manzil, D/o. Attakoya Puthiya Chamayam, 31 years.

18. Ubaidulla Kupinachatta, S/o Sayeed Kunhi Thiruvathapura, 32 years.
19. Abdul Hakeem Mullachetta, S/o. Attakoya Kunhichetta Ayshabiyakudi, 32 years.
20. Mohammed Haneefa Kuninamali, S/o. Abdulla Thalikandi, 36 years.
21. Smt. Subaida Kupinachetta, D/o. Cheriya Koya Thaithottam, 36 years.
22. Abdullakoya Kalliyammakkada, S/o. Anaz Biriymmada, 36 years.
23. Yousuf Palliyachetta, S/o. Sayeed Koya Moolechetta, 37 years.

All applicants residing at Kadamath, Union Territory of Lakshadweep.

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Applicants

(By Advocate – Mr. M.P. Krishnan Nair)

V e r s u s

1. Union Territory of Lakshadweep, rep. by the Administrator, Union Territory of Lakshadweep, Kavaratti, Kavaratti – 682 555.
2. Union of India, rep., by the Secretary, Ministry of Agriculture, New Delhi – 110 001.
3. The Agricultural Officer, Kadamath, Union Territory of Lakshadweep, 682 553.
4. The Director of Panchayat, Union Territory of Lakshadweep, Kavaratti, 682 555.
5. Smt. P. Soodath, W/o. Late B.C. Jaffer, Puthiya Surambi, Kadamath Island, Union Territory of Lakshadweep, 682553.
6. Smt. N.P. Attabi, W/o. Late K.S. Haris, Narangapura, Kadamath Island, Union Territory of Lakshadweep, 682 553.
7. Smt. K.K. Rahumath, W/o. Late B.C. Muthokoya, Kailiyammakada, Kadamath Island, U.T. of Lakshadweep, 682 553.
8. Smt. K. Kadishath, D/o. Late Pathumma, Keechoda, Kadamath Island, Union Territory of Lakshadweep – 682 553.
9. K.K. Kunhimon, S/o. Late P.P. Mohammed, Koormeal, Kadamath Island, Union Territory of Lakshadweep-682 553.

10. S.K. Habeebulla, S/o. Late Zakariya, Sulfakudi, Kadamath Island, Union Territory of Lakshadweep-682 553.
11. P.C. Hameedkoya, S/o. Late Ahamed, Palliyachetta, Kadamath Island, Union Territory of Lakshadweep-682 553.
12. K.P. Attakoya, S/o. Late D.P. Ishak, Kannipura, Kadamath Island, Union Territory of Lakshadweep-682 553.
13. A.C. Shaffi, S/o. Mohammed, Ayshte Chetta, Kadamath Island, Union Territory of Lakshadweep-682 553.
14. T.I. Kaderkoya, S/o. Late Koyamma K.C., Thekkila Illam, Kadamath Island, Union Territory of Lakshadweep-682 553.
15. B. Ayshommabi, D/o. Late Koyakidave, Bangil, Kadamath Island, Union Territory of Lakshadweep-682 553.
16. M.P. Jalaludheen, D/o. Late P.P. Kunhi Ahamed, Kelapura, Kadamath Island, Union Territory of Lakshadweep-682 553.
17. K.M. Abdulrazak, S/o. Late N. Mohammed, Kailiyammadaka, Kadamath Island, Union Territory of Lakshadweep-682 553.
18. L. Haleema, D/o. Smt. L. Haja, Langiyoda, Kadamath Island, Union Territory of Lakshadweep-682 553.
19. P.M.C. Sidheeque, S/o. Late M. Kidave, Puthiya Moole Chetta, Kadamath Island, Union Territory of Lakshadweep-682 553.
20. A. Pookoya, S/o. A. Syed, Alakka, Kadamath Island, Union Territory of Lakshadweep-682 553.
21. K.P. Haidayathulla, Grand son of Late a.C. Ahamed, Kunnampalli, Kadamath Island, Union Territory of Lakshadweep-682 553.
22. K.M Abdul Jabbar, S/o. Late M.C. Sulaiman, Kailiyammadada, Kadamath Island, Union Territory of Lakshadweep-682 553.
23. K. Riyaz, Grand Son of Sri A.C. Sayed, Kailiyammadakad, Kadamath Island, Union Territory of Lakshadweep-682 553.
24. P.N. Mohammed Musthafakhan, S/o. Late B. Khalid, Poonallala, Kadamath Island, Union Territory of Lakshadweep-682 553.
25. C. Nallakoya, S/o. Late M. Aboosala, Cheriadam, Kadamath Island, Union Territory of Lakshadweep-682 553.

26. P.P. Kasim, S/o. L. Ahamed, Thiruvathapura, Kadamath Island, Union Territory of Lakshadweep-682 553.
27. K. Adima, S/o. Smt. K.M. Hajaromma, Kadiyammada, Kadamath Island, Union Territory of Lakshadweep-682 553.
28. M. Muthukoya, S/o. M. Abdullakoya, Malika, Kadamath Island, Union Territory of Lakshadweep-682 553.
29. M.C. Thajudheen, S/o. Smt. Kadishabi M.C., Moolechetta, Kadamath Island, Union Territory of Lakshadweep-682 553.
30. B.P. Sakeerath, S/o. Late S.C. Kidave, Belipura, Kadamath Island, Union Territory of Lakshadweep-682 553.
31. P.P. Synulabid, S/o. Late P.P. Cheriya, Puthiya Pura, Kadamath Island, Union Territory of Lakshadweep-682 553.
32. P.P. Sadakathulla, S/o. Late M.C. Ibrahim, Pathummapura, Kadamath Island, Union Territory of Lakshadweep-682 553.
33. A.K. Abdul Jabbar, Relative of Late Koyamma, Attekudi, Kadamath Island, Union Territory of Lakshadweep-682 553.
34. K.C. Nasheedabi, D/o. Late Abdulla K., Kunhi Chetta, Kadamath Island, Union Territory of Lakshadweep-682 553.
35. K.P. Asiyabi, D/o. S.C. Abdulkader, Kannipura, Kadamath Island, Union Territory of Lakshadweep-682 553.
36. K.M. Nafeesath, D/o. K.M. Suhira, Kunninameal, Kadamath Island, Union Territory of Lakshadweep-682 553.
37. Abdul Jabbar K., S/o. Late Koyamma, Keechoda, Kadamath Island, Union Territory of Lakshadweep-682 553.
38. K. Mariyommabi, D/o. K. Syedmohammed, Kadamath Island, Union Territory of Lakshadweep-682 553.
39. P.C. Badarudheen, S/o. Late T.C. Yousef, Kadamath Island, Union Territory of Lakshadweep-682 553. Respondents

[By Advocate – Mr. S. Radhakrishnan (R1, 3 & 4)]

This application having been heard on 27.10.2011, the Tribunal on the same day delivered the following:



ORDER

By Hon'ble Mr. Justice P.R. Raman, Judicial Member -

The applicants are casual employees working in the Agricultural Department of the Lakshadweep Administration. Their grievance projected in the OA is that respondents 5 to 39 were appointed on compassionate ground without disclosing on what ground they are appointed continuously. On an earlier occasion the administration resorted to making appointments after giving age relaxation. An OA was filed before this Tribunal i.e. OA No. 354 of 2007 and Annexure A-1 is the copy of the order passed in the OA. It was found that granting relaxation without notifying the same is clearly violative of Article 14 in so far as persons who are above the age similarly situated could have applied, have they known that age relaxation is to be given. It is stated that on an all party meeting held between the department, the Panchayats and the appointees, the matter was amicably settled. However, respondents Nos. 5 to 39 were appointed on compassionate ground and were continuing in service without giving any break in service after 89 days. In the case of the applicants since they were casual employees their services were terminated after the expiry of the 89 days and only after break they are reappointed if there is a vacancy.

2. I have heard the parties.

3. It is noted that Annexure A-1 is a judgment passed by this Tribunal wherein the specific stand of the respondents is that the appointment is

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made purely on casual basis and that the service of the employees are terminated after completion of 89 days. If so why a different stand is taken in the case of respondents 5 to 34 is not clear. The respondents 5 to 34 have been served with notices but they have not come up by filing any reply or they are represented. The Lakshadweep Administration have not filed any reply statement in the matter. Obviously respondents 5 to 39 are continuing without any break which if tested in the light of the stand taken by the respondents in Annexure A-1 order, it can be seen that they are resorting to make permanent appointment not based on rules. Since the very appointment is made only on casual basis their appointment could only be for a period of 89 days and after a break they can be reappointed provided vacancies continue. Hence, there is no special reason as to why respondents 5 to 39 alone are treated differently from the rest of the employees who were appointed like respondents 5 to 39. The same method shall be adopted in the case of the respondents 5 to 39 also so that there is no injustice in the matter of providing employment to the residents of the locality. It is contended by the learned counsel appearing for the applicants that while terminating their services, it may be ensured that respondents 5 to 39 whose services may also be terminated after completion of 89 days and if they are already completed they will be disengaged and re-appointed according to the availability of vacancies as in the case of others. The Administration will adhere to the Rules by disengaging them after 89 days as in the case of the applicants so that all are treated alike.



4. In view of the aforesaid the OA is disposed of. No costs.



(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

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