

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 367/96

WEDNESDAY, THIS THE 13TH NOVEMBER, 1996.

CORAM:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR. A. M. SIVADAS, JUDICIAL MEMBER

1. K. Sayed Shaikoya S/o Ahammed Koya
Packer, Agricultural Department,
Administration Office,
Union Territory of Lakshadweep,
Wellington Island, Cochin.
2. B.P. Alikoya S/o P.M. Kidavu Koya,
Casual Labourer, Agricultural Demonstration Unit
Office of the Horticultural Assistant
Kiltan, U.T. of Lakshadweep.
3. A. Manzoor S/o Mohammed
--do--
4. A.M. Hamza S/o Kunnashada Ahammed
--do--
5. K. Attakidavu S/o Thiruvathapasa Abdulla
--do--
6. K. Rasheed S/o Khader
--do--
7. B.I. Khader Koya S/o B.P. Hassan Koya
--do--
8. K. I. Siraj S/o Attakidavu
--do--
9. P. Basheer S/o A. Azeez
--do--
10. P.V. Jaffer S/o K. Shaik Koya,
--do--
11. M.P.C. Koya, S/o Khalid
--do--
12. P.S. Subair S/o P.S. Anth (late)
--do--
13. B.K. Kunhikoya S/o Kasim A.C.
--do--
14. M.P. Sayed S/o Sailamiyapura Attaika
--do--
15. K. Nallakoya S/o Mohammed Kamper Pura
--do--
16. K. Mohammed S/o Thiruvathapura Abdulla
--do--

17. K. Abdurahaman S/o Khadiri
--do--
18. S. Kunjikoya S/o Ammipura Pachikoya
--do--
19. K. Mohammed S/o Sayed Karakkunnel
--do--
20. P.K. Yusuf S/o Hassankoya
--do--
21. M. Attakidavu S/o Kuthukunji
--do--
22. P.S. Abdulla S/o P.S. Anth (late)
--do--
23. C.P. Ahammed, S/o Puthiyathakkel Mohammed
--do--
24. T.K. Sayed Mohammed S/o Muthukunhi
--do--
25. C.K. Ampilla S/o; Pandaram Aboosala
--do--
26. P.K. Subair S/o Kattakam Kasmi
--do--

..Applicants

By Advocate Mr. C.S. Abdul Sammad

Vs.

1. The Administrator,
Union Territory of Lakshadweep
Kavarathi.
2. Director of Agriculture,
Office of the Director of Agriculture,
Union Territory of Lakshadweep,
Kavarathi.
3. The Union of India represented by
the Secretary to Government,
Ministry of Home Affairs,
New Delhi.

..Respondents

By Advocate Ms Beena for Advocate Mr. MVS Nampoothiry

The application having been heard on 13.11.1996
the Tribunal on the same day delivered the following:

O R D E R

P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

The Tribunal considered a similar issue in O.A.
1149/94 and connected cases and by order dated 29.6.95 the
Tribunal directed the respondent Administrator, Union Territory

of Lakshadweep to examine the cases of the applicants in those applications and take a fresh decision on whether they are entitled to pro-rata wages in terms of the O.M. dated 7.6.88 and if the applicants in those applications were found eligible, to pay the difference between the pro-rata wages to which they are entitled and the wages paid already. Applicants in this application contend that respondents have carried out the directions of the Tribunal in O.A. 1149/94 and connected cases but that the same relief has not been extended to the applicants in this application on the ground that they were not parties in the cases mentioned above.

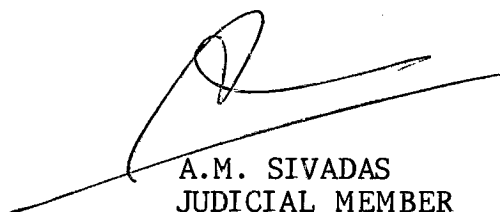
2. It is seen that the Tribunal has considered the issue in general and not with specific reference to the applicants in O.A. 1149/94 and has found that a broad comparison of the nature of the work done by the applicants in those applications and the work done by a regular employee has to be carried out to ascertain the eligibility of the applicants to get pro-rata wages in terms of the O.M. of 7.6.88. Such a direction cannot be taken as applicable only to the applicants who had come before the Tribunal in those applications.

3. Applicants in this application are also entitled to the same relief as was granted to the applicants in O.A. 1149/94 and connected cases. We accordingly direct the respondent Administrator to consider the cases of applicants herein in terms of the directions of the Tribunal in O.A. 1149/94 in order to find out whether the applicants herein are also eligible for being paid pro-rata wages in terms of O.M. dated 7.6.88. A decision in this regard will be taken within four months of today and if the applicants are found eligible, the arrears of wages shall be paid to them within three months of the date of

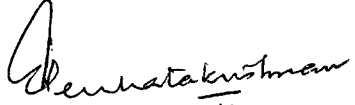
decision of the Administrator.

4. Application is disposed of as aforesaid. No costs.

Dated the 13th November, 1996.



A.M. SIVADAS
JUDICIAL MEMBER



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

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