

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**ERNAKULAM BENCH**

**Original Application No. 181/00045/2015**

**Tuesday, this the 12<sup>th</sup> day of March, 2019**

**CORAM:**

**Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member**  
**Hon'ble Mr. Ashish Kalia, Judicial Member**

P.P.Havvabi, d/o.N.P Fathahulla, aged 37 years  
 Labourer, Agriculture Department  
 Agatti Island, residing at Pallipura House  
 Agatti Island  
 Union Territory of Lakshadweep

..... **Applicant**

**(By Advocate : Mr.Anand S.A)**

**V e r s u s**

1. Administration of the Union Territory of Lakshadweep  
 represented by the Administrator  
 Union Territory of Lakshadweep  
 Kavarathhi-682 555
2. The Director of Agriculture  
 Union Territory of Lakshadweep  
 Kavaratti Island-682 555
3. Secretary (Panchayats)  
 Administration of the Union Territory of Lakshadweep  
 (Directorate of Panchayats)  
 Kavaritti – 682 555

..... **Respondents**

**(By Advocate : Mr. S. Manu)**

This application having been heard on 12.03.2019 the Tribunal on the same day delivered the following:

**ORDER (ORAL)**

**Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member –**

The common question raised in the present Original Application is whether the applicant is entitled for regularisation of her services as casual labourer or not ?

2. The admitted factual position of the case is that the applicant has worked with the respondents for 89 days with artificial breaks of one day and thereafter she has been re-engaged.

3. The Hon'ble High Court, in WP(C) No. 5289 of 2015 – ***Hidayathulla & Ors. v. Admn., UTL & Ors.***, dated 20<sup>th</sup> August, 2018, has considered the question of jurisdiction whether this Tribunal can entertain the case of labourers engaged by Village Panchayat. The Hon'ble High Court observed that there is nothing wrong in the direction given by the Tribunal for formulation of a transparent scheme for engagement of casual labourers and rational distribution of employment by the administration as well as Panchayat. This Original Application is disposed of in line with the judgment of the Hon'ble High Court in WP(C) No. 5289 of 2015 – ***Hidayathulla & Ors. v. Admn., UTL & Ors.***, dated 20<sup>th</sup> August, 2018. This has been followed in the judgment passed by this Tribunal in a similar matter in O.A 181/14/2015 and connected cases dated 22<sup>nd</sup> day of February, 2019.

4. Respondents are directed to follow the judgment passed by the Hon'ble High Court in WP(C) No. 5289 of 2015 – *Hidayathulla & Ors. v. Admn., UTL & Ors.*, dated 20<sup>th</sup> August, 2018. No order as to costs.

**(ASHISH KALIA)**  
**JUDICIAL MEMBER**

**(E.K. BHARAT BHUSHAN)**  
**ADMINISTRATIVE MEMBER**

**SV**

**List of Annexures**

- Annexure A-1      True copy Order F.No.29/1/92-Agri dated 3.1.1997 of the 1<sup>st</sup> respondent
- Annexure A-2      True copy of certificated dated 19.11.2003 issued to the applicant
- Annexure A-3      True copy of the representation submitted by the applicant to the 2<sup>nd</sup> respondent in 2004
- Annexure A-4      True copy of the representation dated 25.9.2012 submitted by the applicant before the 2<sup>nd</sup> respondent
- Annexure A-5      True copy of the Common Order passed by this Tribunal in O.A 212/2013 and connected cases
- Annexure A-6      True copy of the Order dated 8.4.2014 passed by the Hon'ble High Court of Kerala in O.P(CAT) No.88/2014
- Annexure A-7      True copy of the Order dated 26.8.2014 passed by the Hon'ble High Court of Kerala in O.P(CAT) No.88/2014
- Annexure A-8      -      True copy of Circular F.No.5/14/2012-DOP Vol.I dated 9.7.2014 issued by the 2<sup>nd</sup> respondent
- Annexure A-9      -      Order F.No.5/8/2014-D.O.P dated 12.2.2015 issued by the 2<sup>nd</sup> respondent
- Annexure A-10     -      True copy of the judgment dated 10.3.2015 of the Hon'ble High Court of Kerala in W.P(C) No.6207/2015
- Annexure A-11     -      True copy of Order dated 27.2.2015 in O.A No.181/29/2015 of this Tribunal
- Annexure R1(a)    -      A true copy of the circular F.No.5/6/2003-DoP&RD dated 12.11.2003
- Annexure R1(b)    -      A true copy of the F.No.5/26/2003-DoP&RD dated 4.11.2008
- Annexure R1(c)    -      A true copy of the order dated 17.8.2009 in O.A No.611/2008
- Annexure R1(d)    -      A true copy of the common judgment in OP(CAT) No.133 of 2012 and 606 of 2012

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