

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 181/00034/2015

Tuesday, this the 12th day of March, 2019

CORAM:

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

1. T.P.Nafeesa
aged 43, W/o.Shafi
Thekkuputhiaillam House
Agatti Island
Union Territory of Lakshadweep
Pin – 682 553
2. M.I.Sheema, aged 49, W/o.Kamil
Malaillam House,
Agatti Island
Union Territory of Lakshadweep
Pin – 682 553
3. M.C.Amina
aged 45, W/o.Mohammed Rafeeqe
Mayamchetta House,
Agatti Island
Union Territory of Lakshadweep
Pin – 682 553
4. V.Asuma, aged 47, W/o.Hussain
Valiyaillam,
Agatti Island
Union Territory of Lakshadweep
Pin – 682 553
5. T.P.Assi, D/o.Late Said Ismail
Thiruvathapuram House
Agatti Island
Union Territory of Lakshadweep
Pin – 682 553
6. B.Noorunnisa, aged 44
W/o.Nasar
Beeppada House,

Agatti Island
Union Territory of Lakshadweep
Pin – 682 553

7. K.Nafeesa, aged 50,
W/o.Mohammed, Koodam House
Agatti Island
Union Territory of Lakshadweep
Pin – 682 553
8. M.Fathima
aged 53, D/o.Late Ahammed
Makkiyachoda House,
Agatti Island
Union Territory of Lakshadweep
Pin – 682 553
9. S.Bampathi, aged 41,
W/o.Sharafuddeen
Sarommapada,
Agatti Island
Union Territory of Lakshadweep
Pin – 682 553

..... **Applicants**

(By Advocate : M/s.Saiby Jose Kidangoor & Mohammed Salih P.M)

V e r s u s

1. Union Territory of Lakshadweep
Represented by its Administrator
Administration of Union Territory of Lakshadweep
Secretariat, Kavaratti 682 555
2. The Director of Industries
Administration of Union Territory of Lakshadweep
Secretariat, Kavaratti -682 555
3. The Director of Panchayaths
Administration of Union Territory of Lakshadweep
Secretariat, Kavaratti -682 555
4. The Supervisor
The Coir Production Centre
Agatti, Pin 682 553
5. Union of India
represented by its Secretary to
Ministry of Home Affairs
North Block, Central Secretariat

New Delhi -110 001

..... **Respondents**

(By Advocate : Mr. S. Manu for R1-4, Mr.N.Anilkumar,SCGSC for R-5)

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 applicants are entitled for regularisation of their services as casual labourers or not ?

2. The admitted factual position of the case is that the applicants have worked with the respondents for 89 days with artificial breaks of one day and thereafter they have been re-engaged. The grievance of the first applicant in this O.A has become infructuous.

3. The Hon'ble High Court, in WP(C) No. 5289 of 2015 – ***Hidayathulla & Ors. v. Admn., UTL & Ors.***, dated 20th 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 in respect of applicant nos.2-9 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 20th 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 22nd 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 20th August, 2018. No order as to costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures

- Annexure A-1 - Copy of the order bearing F.No.8/3/90-Ind dated 10.10.1995 issued by the 2nd respondent
- Annexure A-2 - True copy of the certificate dated 24.2.2004 issued by the 2nd respondent evidencing the engagement of the 7th applicant as a casual labourer from 8.7.1997
- Annexure A-3 - True copy of the certificate dated 23.2.2004 issued by the 2nd respondent evidencing the engagement of the 8th applicant as a casual labourer from 7.7.1997
- Annexure A-4 - True copy of the appointment order bearing F.No.1/11/96-IND dated 24.1.1997
- Annexure A-5 - True copy of the order F.No.8/13/92-Ind dated 2.9.1999
- Annexure A-6 - True copy of the order F.No.19/1/2005-Ind(3) dated 3-3-2007
- Annexure A-7 - True copy of the order F.No.19/1/2005/Ind(4) dated 29.1.2014
- Annexure A-8 - True copy of the Order F.No.19/1/2005-Ind (4) dated 29.1.2014
- Annexure A-9 - True copy of order F.No.2/1/99-IND(5) dated 9.2.2004
- Annexure A-10 - True copy of the order dated 22.5.2010 issued by the 2nd respondent
- Annexure A-11 - True copy of the judgment dated 6-6-2012 in O.P(CAT) 133/2012
- Annexure A-12 - True copy of order bearing F.No.5/8/2014-DOP dated 12.2.2015
- Annexure A-13 - True copy of the Office Order F.No.8/1/2013-Ind dated 20.2.2015
- 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

Annexure R1(e) - A true copy of the Order F.No.2/20/93-Ind dated
12.3.1994

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