

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

**Review Application No. 181/00036/2018 in**  
**Original Application No. 181/00057/2016**

**Thursday, this the 13<sup>th</sup> day of December, 2018**

**CORAM:**

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

1. Thalhath P.S., aged 46 years, S/o.Uduman, Puthiyasurambi, Therakkal, Folk Dance Instructor, Public Library, Art & Culture Department, Kadmat, Lakshadweep.
2. Ummer.P., aged 42 years, S/o.Cheriya Koya, Purathakkal, Balap, Folk Dance Instructor, Public Library, Art & Culture Department, Amini, Lakshadweep.
3. Habeeb.K.M., aged 50 years, S/o.Ahamed, Kunnimamel, Mayampokkada, Folk Dance Instructor, Public Library, Art & Culture Department, Kalpeni, Lakshadweep.
4. Sayedali.P.A., aged 47 years, S/o.Basha, Puthiya Alicom, Anapura, Folk Dance Instructor, Public Library, Art & Culture Department, Kavaratti, Lakshadweep.
5. Siddick.K., aged 42 years, S/o.Abdulla, Puthiyasurambi, Kattakam, Folk Dance Instructor, Public Library, Art & Culture Department, Kiltan, Lakshadweep.
6. Abdul Gafoor, aged 41 years, S/o.Nooruddeen, Puthiya Pura, Chonam, Folk Dance Instructor, Public Library, Art & Culture Department, Agatti, Lakshadweep.

7. Fahiza.P., aged 26 years, D/o.Hassan Ibrahim,  
 Faimigothi, Fenegenna Ghothi,  
 Folk Dance Instructor,  
 Public Library, Art & Culture Department,  
 Minicoy, Lakshadweep. .... **Review Applicants**

**(By Advocate : Mr. Vinod Madhavan)**

**V e r s u s**

1. Union of India represented by Director,  
 Department of Art and Culture,  
 Lakshadweep Administration,  
 Kavaratti – 682 555.

2. The Administrator,  
 Lakshadweep Administration,  
 Kavaratti – 682 555.

3. The Collector & Development Commissioner,  
 Union Territory of Lakshadweep,  
 Kavaratti – 682 555. .... **Respondents**

**(By Advocate : Mr. S. Manu – Not present)**

This application having been heard on 6<sup>th</sup> December, 2018 the Tribunal on 13.12.2018 delivered the following :

**O R D E R**

**Per: E.K. Bharat Bhushan, Administrative Member -**

This review application has been filed by the review applicants in the OA No. 181/57/2016 which was disposed of by this Tribunal vide Annexure RA1 order dated 3.4.2018.

2. The applicants in the OA apprehend that they were not going to be retained as Folk Dance Instructors any longer after the expiry of the term. Hence, they filed the OA with the following relief:

“(i) Call for the entire records which led to Annexure A-4 and set aside the same enabling the applicants to continue in service as Folk Dance

Instructors.

(ii) Declare that the applicants are entitled to be retained in service as Folk Dance Instructors in preference to Programme Assistants appointed by the Lakshadweep Kala Academy and direct the respondents to retain the applicants as Folk Dance Instructors.

(iii) Grant such other appropriate orders or directions as are deemed fit and proper, by this Hon'ble Tribunal in the facts and circumstances of this case and

(iv) Award costs for this proceedings.”

3. This Tribunal after hearing the counsel appearing for the parties and perusing the records disposed of the OA on 3.4.2018 holding as under:

“10. Shri.Vinod Madhavan, learned counsel for the applicants submitted that in the event of the Tribunal finding that the applicants' term has come to an end by the period mentioned in Annexure A-4, they may be relieved on the basis of the 'first come last go' principle envisaged in Section 25 (f) of the Industrial Dispute Act. He submitted that the principle of 'first come last go' is a universally accepted principle in service/labour jurisprudence so that in the case of retrenchment of the employees, the last appointed person should be first retrenched. It is true that the 'first come last go' principle is a well accepted principle in law. Nevertheless, in the instant case by Annexure A-4 all the applicants have been given an extension only up to 23.1.2016. There is nothing to indicate as to who had been engaged first and who had been engaged last. Nevertheless, in order to relieve financial strain faced by the applicants on their disengagement from the work they have been doing a long time, we leave the matter to the Lakshadweep Administration to find out who among the applicants have been appointed first, in the pecking order, based on their date of joining the service and to consider them to be relieved in a piecemeal manner, adopting the principle of 'first come last go'. We are not inclined to grant any other relief sought in the O.A.

11. The O.A is disposed of with the above directions. No order as to costs.”

4. Heard the learned counsel for the review applicants and perused the records.

5. By the present Review Application the main grounds taken by the review applicants are that they had never contended that they could be

relieved invoking the principle of “First Come Last Go” among themselves and that the order has been passed with a dead person in the array of parties i.e. applicant No. 6 in the OA. Hence, we find that there is some factual error in the order passed by this Tribunal on 3.4.2018 in OA No. 181/57/2016. Accordingly, the RA is allowed and we post the OA for hearing on 17.12.2018.

**(ASHISH KALIA)  
JUDICIAL MEMBER**

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

**“SA”**

**Review Application No. 181/00036/2018 in**  
**Original Application No. 181/00057/2016**

**REVIEW APPLICANTS' ANNEXURES**

**Annexure RA1** – True copy of the order dated 3.4.2018 in OA No.  
181/57/2016

**RESPONDENTS' ANNEXURES**

Nil

-X-X-X-X-X-X-X-