

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 181/00029/2015

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. Khadeeja, W/o.Abusala, Aged 47
Bommekal House, Amini Island
Union Territory of Lakshadweep
Pin – 682 552
2. Poo, W/o.Iyas Baleliyar, Aged 52
Puthiyasurambi House
Amini Island
Union Territory of Lakshadweep
Pin – 682 552
3. Jubairiyath
W/o.Hassainar Kunjakka, Aged 40
Kadapurathillam House
Amini Island
Union Territory of Lakshadweep
Pin -682 552
4. Sakeena
W/o.Buharikoyam, Aged 49
Manadam House
Amini Island
Union Territory of Lakshadweep
Pin -682 552
5. Saromma
W/o.Basheer Makikakkal, Aged 46
Mannel House
Amini Island
Union Territory of Lakshadweep
Pin -682 552
6. Asma
W/o.Pookunhi Vadakkanchetta
Aged 52, Thattinakkal House

Amini Island, Union Territory of Lakshadweep
Pin 682 552

7. Sailani, W/o.Badar, Aged 40
Puthiyaillam House, Amini Island
Union Territory of Lakshadweep
Pin -682 552
8. Naseemabi, D/o.Abdulla Puthiyasurambi
Aged 44, Poodiuim House
Amini Island
Union Territory of Lakshadweep
Pin 682 552
9. Sakeena, W/o.Aboosala Nelliketchetta
Aged 49, Chekkechetta House
Amini Island
Union Territory of Lakshadweep
Pin -682 552
10. Haja, W/o.Pookunhi Cheriypandiyala
Aged 48, Puthiyannallal House
Amini Island, Union Territory of Lakshadweep
Pin 682 552
11. Subaida
W/o.Abdurahman, Aged 44
Purakkalpura House,
Amini Island, Union Territory of Lakshadweep
Pin 682 552
12. Beelathi, W/o.Muneer, Aged 44
Kallekkal House,
Amini Island, Union Territory of Lakshadweep
Pin 682 552
13. Ruhiya
W/o.Mohammed Thattanachetta
Aged 45, Pakkidiyathachetta House
Amini Island, Union Territory of Lakshadweep
Pin 682 552
14. Beefathumma, W/o.Muthukoya
Aged 45, Vadakkanchetta House
Amini Island, Union Territory of Lakshadweep
Pin 682 552
15. Cheriya
W/o.Sayed, Aged 44

Melasurambi House
Amini Island, Union Territory of Lakshadweep
Pin 682 552

16. Mariyumma
W/o.Hassainar, Aged 52
Mannathchetta House, Amini Island
Union Territory of Lakshadweep
Pin -682 552

17. Hawwabi
W/o.Khalid (late), Aged 50
Koormel House, Amini Island
Union Territory of Lakshadweep
Pin 682 552

..... **Applicants**

(By Advocate : Mr. 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
Amini, Pin 682 552

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.

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 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(1) dated 21.6.1993 issued by the 2nd respondent
- Annexure A-2 - Copy of the order F.No.1/11/96-IND dated 4.11.1996
- Annexure A-3 - Copy of order dated 2.1.1995
- Annexure A-4 - Copy of order dated 20.1.1996
- Annexure A-5 - Copy of order dated 12.6.1998
- Annexure A-6 - Copy of order dated 30.1.1999
- Annexure A-7 - Copy of the order F.No.19/7/2001-Ind dated 29.4.2002
- Annexure A-8 - Copy of the Order FF No.8/12/92-IND Vol(ii) dated 21.9.1999
- Annexure A-9 - True copy of order F.No.8/30/2008-IND dated 22.5.2010 issued by the 2nd respondent
- Annexure A-10 - Copy of judgment in O.P(CAT) 133/2012 dated 6.6.2012
- Annexure A-11 - Copy order bearing F.No.5/8/2014-DOP dated 12.2.2015
- Annexure A-12 - Copy of the aforesaid office order F.No.8/1/2013-Ind dated 20.2.2015
- Annexure A-13 - Copy of representation submitted by the applicants during the month of January, 2009 before the 1st respondent
- 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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