

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 181/00016/2015

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

M.Jamal @ Jamaludheen, S/o.Abdulla U.C
 Aged 37 years, Mudakkiyoda House
 Kadamath Island, U.T of Lakshadweep
 Presently working as Full Time Sweeper
 In the Department of Legal Metrology
 Kadamath Island

..... **Applicant**

(By Advocate : Mr. R.Ramadas)

V e r s u s

1. The Administrator, Union Territory of Lakshadweep,
 Kavaratti – 682 555.
2. The Secretary (Panchayath)
 Directorate of Panchayaths
 U.T of Lakshadweep
 Kavaratti – 682 555
3. The Assistant Controller
 Department of Legal Metrology
 U.T of Lakshadweep
 Kavaratti -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:

O R D E R (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 his 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 he has 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

SV

List of Annexures

Annexure A-1 Photocopy of the Notice F.No.2/8/95-WM dated 2.1.1998

Annexure A-2 Photocopy of the Order F.No.2/8/1995-WM dated 8.2.1999

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

. . .