

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.181/00743/2019

Wednesday, this the 16th day of October, 2019

C O R A M :

HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

1. S.Nahid, S/o.Sayed Koya,
Aged 50 years, Surambiyoda House,
Kiltan Island, U.T of Lakshadweep, - 682 555.
Engine Driver, Office of the Port Assistant,
Kiltan Island, U.T of Lakshadweep.
2. A.Ukkas, S/o.P.C.Yousef,
Aged 51 years, Avvammada House,
Kadamath Island, U.T of Lakshadweep – 682 556.
(Engine Crew, A-grade, Working under the Port Assistant,
Kadamath Unit, Department of Port, U.T of Lakshadweep.
3. L.F.Mohammed, S/o.late L.F.Ali,
Aged 64 years, Little Firdouse, Ujrapally Road,
Kavaratti Island, U.T of Lakshadweep – 682 555.
Retd. Marine Engine Driver,
Department of Port, Minicoy Island. ...Applicants

(By Advocate Mr.R.Ramadas)

v e r s u s

1. The Administrator,
Union Territory of Lakshadweep,
Kavarathi – 682 555.
2. The Director Ports,
Shipping and Aviation,
Directorate of Ports Shipping and Aviation,
Union Territory of Lakshadweep, Kavarathi – 682 555.
3. The Shipping Corporation of India Limited,
represented by its Managing Director,
Shipping House, 245 Madame Cama Road,
Mumbai – 400 021.

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4. The Lakshadweep Development Corporation Limited (LDCL),
represented by its Managing Director,
Panampilly Nagar, Kochi – 36. ...Respondents

(By Advocate Mr.S.Manu [R-1, 2 & 4])

This application having been heard on 16th October 2019, the Tribunal on the same day delivered the following :

ORDER (O R A L)

Heard learned counsel for the applicant. Shri.S.Manu takes notice on behalf of Respondent Nos.1, 2 & 4.

2. The applicants had earlier approached this Tribunal by filing O.A.No.181/96/2015 wherein they had obtained a favourable order. A copy of the order is available at Annexure A-14 by which the respondents were directed to take steps to immediately disburse the eligible amounts to the applicants. Due to the failure on the part of the respondents to comply with the aforesaid order, the applicants had approached this Tribunal again through a Contempt Proceeding (CP No.181/80/2018). The said Contempt had been closed pointing out the fact that some amounts had been disbursed to the applicants. However, it was stipulated in the said order that if any residual benefits are pending the applicants/petitioners in the Contempt Proceeding will be free to approach this Tribunal.

3. The applicants maintain in the present O.A that they have not been paid the entire dues and submit that they have pointed this out in the representations made to the 2nd respondent, copies of which are Annexure A-17 to Annexure A-19.

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4. In the facts and circumstances of this case, this Tribunal is of the view that the O.A can be disposed of at this point by directing the 2nd respondent to consider the representations, copies of which are available at Annexure A-17 to Annexure A-19 and expeditiously deal with the same, ensuring that any further amounts if found eligible should be disbursed to the applicants within a period of sixty days from the date of receipt of a copy of this order.

5. The O.A stands disposed of accordingly. No order as to costs.

(Dated this the 16th day of October 2019)

E.K.BHARAT BHUSHAN
ADMINISTRATIVE MEMBER

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List of Annexures in O.A.No.181/00743/2019

- 1. Annexure A-1** – A copy of the fax message sent by the 2nd respondent to the master of the vessel M.V.Dweep Setu dated 2.9.2008.
- 2. Annexure A-2** – A copy of the communication dated 18.3.2008 issued by the 2nd respondent.
- 3. Annexure A-3** – A copy of the letter received from Shipping Corporation of India, Mumbai.
- 4. Annexure A-4** – A copy of the letter dated January 2010 from the Secretary, Port Shipping and Aviation, Kavaratti to the Shipping Corporation of India.
- 5. Annexure A-5** – A copy of the letter dated 28.4.2010 from the 2nd respondent to the General Manager of the 4th respondent.
- 6. Annexure A-6** – A copy of the fax message by the 2nd respondent to the Shipping Corporation of India.
- 7. Annexure A-7** – A copy of the judgment dated 5.1.2012 in O.A.No.637/2010.
- 8. Annexure A-8** – A copy of the letter dated 28.3.2012 by the 2nd respondent to the 3rd respondent.
- 9. Annexure A-9** – A copy of the letter dated 23.2.2013 issued by the 2nd respondent to the Master of M.V.Khadeeja Beevi.
- 10. Annexure A-10** – A copy of the Order dated 28.8.2014 in O.A.Nos.857/2012 and 1167/2013.
- 11. Annexure A-11** – A copy of the communication dated 24.3.2015 to the Vice President of the Shipping Corporation of India.
- 12. Annexure A-12** – A copy of the letter dated 24.4.2015 to the 1st respondent by the 3rd respondent.
- 13. Annexure A-13** – A copy of the order dated 20.8.2015 issued by the 2nd respondent.
- 14. Annexure A-14** – A copy of the order dated 25.10.2017 in O.A.No.96/2015 passed by this Hon'ble Tribunal.
- 15. Annexure A-15** – A copy of the order dated 28.9.2011 issued by the respondents.

16. Annexure A-16 – A copy of the order dated 23.1.2019 in C.P.(C) No.80/2018.

17. Annexure A-17 – A copy of the representation dated 20.8.2019 by the 1st applicant before the Director of Port along with calculation details regarding payments due to him.

18. Annexure A-18 – A copy of the representation dated 20.7.2019 by the 2nd applicant before the Director of Port along with calculation details regarding payments due to him.

19. Annexure A-19 – A copy of the representation dated 25.7.2019 by the 3rd applicant before the Director of Port along with calculation details regarding payments due to him.
