

CENTRAL ADMINISTRATIVE TRIBUNAL

**ERNAKULAM BENCH
CIRCUIT BENCH SITTING
AT KAVARATTI
UT OF LAKSHADWEEP**

Original Application No.181/01007/2018

Friday, this the 13th day of December, 2019

**HON'BLE MR.JUSTICE L.NARASIMHA REDDY, CHAIRMAN
HON'BLE MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER**

Aboosala K.P.
S/o Hassainar B.C.,
Aged 69 years,
Karichipura House,
Amini Island,
U.T. of Lakshadweep. **Applicant**

(By Advocate – Mr.Mohammed Salih P.M)

V e r s u s

1. The Superintending Engineer,
Lakshadweep Public Works Department,
Circle Office, Kavaratti Island,
U.T. of Lakshadweep – 682 555.

2. The Executive Engineer,
LPWD Division Office,
Amini Island, Lakshadweep – 682 552. **Respondents**

(By Advocate – Mr.S.Manu)

This Original Application having been heard on 13.12.2019, the Tribunal on the same day delivered the following:

ORDER (ORAL)

Per: MR.JUSTICE L.NARASIMHA REDDY, CHAIRMAN

The applicant was appointed as an NMR Man Mazdoor by the Public Works Department of Lakshadweep Administration. At one stage, he was conferred with the temporary status also. He was discontinued from service on attaining the age of superannuation.

2. The Executive Engineer (EE) under whom the applicant worked, passed an order dated 11.12.2017 stating that the applicant is entitled to be paid an amount of Rs.1,00,143 towards the DA, Leave Encashment, etc. That, in turn, was forwarded to the higher authorities.

3. The applicant filed this OA with a prayer to direct the respondents to release his retiral benefits pursuant to the order passed by the EE, and to extend him other benefits.

4. The respondents filed the counter affidavit opposing the OA. It is stated that the order dated 11.12.2017

passed by the EE was under a mistaken impression. According to them, an NMR Man Mazdoor, who is conferred with temporary status would become eligible for retiral benefits only if he is regularized before his superannuation and that in instant case, the applicant was not regularized at all. It is stated that the benefits which were extendable to an NMR Man Mazdoor conferred with temporary status were already given to the applicant, and nothing is due to him.

5. We heard Shri Mohammed Salih P. M., learned counsel for the applicant and Shri S. Manu, learned counsel for the respondents.

6. The applicant, no doubt was conferred with temporary status after he worked for some time as NMR Man Mazdoor. That entitles him payment of wages at enhanced rate, and the semblance of right to be regularized whenever the clear vacancies arise. Unfortunately for the applicant, the regularization did not take place before he reached the age of superannuation.

Therefore, the question of granting any retirement benefit does not arise. The letter dated 10.12.2017 issued by the EE has created some hope in the applicant. On a close scrutiny, we find that the said letter is not referable to any provision of law, nor he was the competent authority.

7. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.

(E.K.BHARAT BHUSHAN) (JUSTICE L.NARASIMHA REDDY)
ADMINISTRATIVE MEMBER CHAIRMAN

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List of Annexures

Annexure A-1 - True copy of the notice dated 11.12.2017.

Annexure A-2 - True copy of Notice dated 15.12.2017.

Annexure A-3 - True copy of the epresentation dated 25.11.2018.

Annexure MA1 - True copy of the order dated 25.09.2019

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