

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

FRIDAY, THE 30TH DAY OF MARCH 2012/10TH CHAITHRA 1934

WP(C).No. 15080 of 2009 (D)  
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PETITIONER(S) :  
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FAZALU RAHAMATH K.I., AGED 33 YEARS,  
D/O. (LATE) T.SYED MOHAMMED KOYA, JUNIOR SIGNALMAN,  
PORT CONTROL TOWER AGATTI ISLAND,  
RESIDING AT: KEELA ILLAM, AGATTI-682 553,  
UNION TERRITORY OF LAKSHADWEEP.

BY ADV. SRI.T.C.GOVINDA SWAMY

RESPONDENT(S) :  
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1. THE ADMINISTRATOR,  
UNION TERRITORY OF LAKSHADWEEP & CHAIRMAN,  
LAKSHADWEEP DEVELOPMENT CORPORATION LTD.,  
KAVARATTI ISLAND, KAVARATTI-682 555.  
UNION TERRITORY OF LAKSHADWEEP.
2. THE MANAGING DIRECTOR,  
LAKSHADWEEP DEVELOPMENT CORPORATION LTD.,  
KAVARATTI ISLAND, KAVARATTI-682 555.  
UNION TERRITORY OF LAKSHADWEEP.
3. THE GENERAL MANAGER,  
LAKSHADWEEP DEVELOPMENT CORPORATION LTD., G.406,  
PANAMPILLY NAGAR, ERNAKULAM, COCHIN-682 036.
4. THE DIRECTOR,  
PORT, SHIPPING & AVIATION, DIRECTORATE OF PORT,  
SHIPPING & AVIATION, KAVARATTI-682 555.  
UNION TERRITORY OF LAKSHADWEEP.
5. UNION OF INDIA, REPRESENTED BY  
THE SECRETARY TO THE GOVERNMENT OF INDIA,  
MINISTRY OF HOME AFFAIRS, NEW DELHI.

R1 TO R4 BY ADV. SRI.S.RADHAKRISHNAN,SC,LAKSHADWEEP  
R5 BY ADV. SRI.T.P.M.IBRAHIM KHAN,A.S.G. OF INDIA.  
SRI.P.PARAMESWARAN NAIR,ASG OF INDIA  
BY ADV. SRI.ALEX VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
30-03-2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS :

- EXT.P1 : COPY OF ORDER BEARING F.NO.1/1/2005-CTOD DATED 11.04.2005, ISSUED BY THE 3<sup>RD</sup> RESPONDENT.
- EXT.P2 : COPY OF NOTICE ISSUED BY THE 3<sup>RD</sup> RESPONDENT BEARING F.N.1/1/2005-CTOD DATED 29.02.2005, PUBLISHED IN THE LAKSHADWEEP TIMES DATED 04.08.2005.
- EXT.P3 : COPY OF NOTICE BEARING F.N.1/1/2005-CTOD DATED 29.07.2005 ISSUED BY THE 3<sup>RD</sup> RESPONDENT.
- EXT.P4 : COPY OF LETTER BEARING F.N.1/1/2005/LDCL-CTOD DATED 17.09.2005, ISSUED BY THE 3<sup>RD</sup> RESPONDENT.
- EXT.P5 : COPY OF FORMAL AGREEMENT EXECUTED BY THE PETITIONER.
- EXT.P6 : COPY OF REPRESENTATION DATED 21.05.2005, ADDRESSED TO THE 3<sup>RD</sup> RESPONDENT.
- EXT.P7 : COPY OF GENERAL OPERATOR'S CERTIFICATE (GMDSS) BEARING NO.15418 DATED 17.11.2006, ISSUED BY THE MINISTRY OF COMMUNICATIONS.
- EXT.P8 : COPY OF REPRESENTATION DATED 21.06.2007 ADDRESSED TO THE 1<sup>ST</sup> RESPONDENT.
- EXT.P9 : COPY OF REMINDER DATED 1.10.2007 ADDRESSED TO THE 1<sup>ST</sup> RESPONDENT.
- EXT.P10: COPY OF LAWYER NOTICE DATED 24.10.2007 SERVED UPON THE 1<sup>ST</sup> RESPONDENT.
- EXT.P11: COPY OF LETTER BEARING F.NO.1/1/2007-CTOD DATED 11.12.2007 ISSUED FROM THE OFFICE OF THE 3<sup>RD</sup> RESPONDENT.
- EXT.P12: COPY OF ORDER BEARING F.NO.8/2/96-PORT(OPB) (VOL.II) DATED 25.02.2008 ISSUED BY THE 4<sup>TH</sup> RESPONDENT.
- EXT.P13: COPY OF ORDER BEARING F.NO.1/1/2008-CTOD DATED 26.02.2008 FROM THE OFFICE OF THE 3<sup>RD</sup> RESPONDENT.
- EXT.P14: COPY OF ORDER BEARING F.NO.LDCL/EST/2009 DATED 4.02.09 ISSUED FROM THE OFFICE OF THE 3<sup>RD</sup> RESPONDENT.

RESPONDENT(S) EXHIBITS : NIL

/ TRUE COPY /

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P.A. TO JDUGE

**K. SURENDRA MOHAN, J.**

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**W.P(C) NO: 15080 OF 2009**  
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**Dated this the 30<sup>th</sup> March, 2012.**

**JUDGMENT**

The petitioner is working as a Junior Signelman at the Port Control Tower (Union Territory of Lakshadweep) under the Lakshadweep Development Corporation Limited in Kavaratti. She has filed this writ petition claiming that she was entitled to be paid a higher scale of pay than what she was receiving. She also complains of hostile discrimination in the matter of payment of wages. The petitioner is seriously aggrieved by Exts.P11, P12 and P13 by which the salary claimed by her has been denied.

2. Adv. T.C.Govindaswamy who appears for the petitioner submits that the petitioner has already completed five years of service as a junior signelman on 1-10-2010. The reason stated in Exts.P11, P12 and P13 for denying her the salary that was claimed was that she had not completed five years of service in the said post. Since the petitioner has completed five years as on 1-10-2010, it is submitted that there is absolutely no impediment in paying to her the salary claimed by her.

3. The counsel for the respondents submits that the salary claimed by the petitioner would be paid provided she has completed five years service in the post occupied by her.

4. In the light of the above submission, this writ petition is disposed of directing the respondents to pay to the petitioner salary at the regular scale of pay of Rs.3200-85-4900 with subsequent modifications provided, the petitioner has completed five years of service as Junior Signelman. The respondent shall take a decision in the matter and make the payment as stated above as expeditiously as possible and at any rate within a period of three months from the date of receipt of a copy of this judgment.

Sd/-  
K. SURENDRA MOHAN  
Judge

jj

/True copy/

P.S.to Judge

