

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

**OA/20/184/2020 &
MA/20/126/2020**

HYDERABAD, this the 25th day of February, 2020



Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Admn. Member

1. S.K. Sandani Basha, So. Late Khajarasool,
Aged about 41 years, Gr.C
Contract Health & Malaria Inspector Gr.III,
O/o. the Chief Health Inspector,
Railway Colony, Guntakal Division,
South Central Railway, Guntakal.
R/o. H.No.451, Mongopally Post & Village,
Ananth Sagaram Mandal, SPSR Nellore ó 524 302.
2. P.K. Sasidhara Reddy, So. P. Ranga Reddy,
Aged about 42 years, Group-C,
Contract Health & Malaria Inspector Gr.III,
O/o. the Chief Health Inspector,
Railway Colony, Guntakal Division,
South Central Railway, Guntakal.
R/o.H.No.1-58, Gandhi Street,
Newpeta, Chandragiri, Chittor District ó 517 101. ... Applicants

(By Advocate: Mrs. Rachna Kumari)

Vs.

1. Union of India rep. by
The Chairman,
Ministry of Railways,
Railway Board, Rail Bhavan,
New Delhi.
2. The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
3. The Chief Personnel Officer,
South Central Railway,
Rail Nilayam, Secunderabad.
4. The Divisional Railway Manager,
South Central Railway,
Guntakal Division, Guntakal.
5. The Sr. Divisional Personnel Officer,
South Central Railway,
Guntakal Division, Guntakal.
6. The Chief Medical Superintendent,
Divisional Railway Hospital,
South Central Railway,
Guntakal Division, Guntakal. ... Respondents

(By Advocate: Mr. N. Srinatha Rao, SC for Railways)

ORDER (ORAL)**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**

MA/20/126/2020 is filed with a prayer to permit the applicants to join in single O.A., since the cause of action for the applicants is common. The M.A. is ordered.

2. The applicants herein were engaged as Health & Malaria Inspectors Gr.III on contract basis in the South Central Railway in April, 2008, initially for a period of one year and thereafter it is being extended from time to time. The latest of the extension, is through order dated 4.7.2019 up to 31.03.2020. The respondents have taken steps for regular appointment of the Health & Malaria Inspectors Gr.III. The results were also declared and it is stated that as against 22 vacancies that were notified for South Central and East Coast Railway, only 17 were selected and appointed. The grievance of the applicants is that they may not be continued once the regular appointments are made. They contend that since 5 vacancies still exist even after regular appointments are made, they can be continued on the same terms.

3. We heard Smt. Rachna Kumari, learned counsel for the applicants and Sri N. Srinatha Rao, learned counsel for the respondents, at the stage of admission.

4. Since the inception i.e. April, 2008, the engagement of the applicants is purely on contractual basis. For one reason or the other, it has been extended for the past one decade. Ultimately in 2019, the respondents have taken steps for appointment of Health & Malaria Inspectors on regular

basis. Condition 2 of the order of engagement of the applicants reads as under:

52. The re-engagement shall be valid up to 31.03.2020 or existence of currency of the scheme or availability of regular selected candidate, whichever is earlier. However, the Railway administration shall reserve the right to terminate at any point of time or to enter with fresh contract for another term.



5. Even otherwise, whenever regular appointment is made against a particular post, the one, who is working on contract basis, has to give way.

6. One thing which however needs attention is that in case all the vacancies are not filled through regular appointment, and if there exists any work load, there is no reason why the applicants be not continued, on the same terms. At the same time, the appointment of candidates on regular basis cannot be hindered in any manner.

7. We, therefore, dispose of the O.A., directing that in case there exist any vacancies of Health & Malaria Inspector Gr.III in South Central & East Coast Railways, even after appointment of regular candidates, and if there exists work load, the feasibility of continuity of the applicants on the same terms, shall be considered. We also make it clear that in case many candidates are working on contractual basis, the respondents shall adopt their own procedure in this behalf. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)
/pv/

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN