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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

R.A. NO.379/2003  
in  
O.A. NO.2882/2001

This the 12th day of July, 2004

HON'BLE SHRI V.K.MAJOTRA, VICE-CHAIRMAN (A)

Neelam Yadav ... Applicant  
( By Ms. Raman Oberoi, Advocate )

-versus-

Union of India & Ors. ... Respondents  
( By Shri R.L.Dhawan, Advocate )

O R D E R (ORAL)

This review application has been made on behalf of the applicant against Tribunal's orders dated 20.11.2003 in OA No.2882/2001. Applicant's earlier OA No.2362/1998 was allowed on 29.2.2000 as under :

"We, therefore, dispose of this O.A. with a direction to the Respondents to consider Applicant's case for engagement as substitute Assistant Teacher as and when the vacancies become available. On being so appointed as a substitute Assistant Teacher, it will be open to the Applicant to work out her rights for regularization in accordance with the rules and instructions on the subject."

2. When the respondents did not implement the aforesaid directions of the Tribunal, applicant filed C.P. No.114/2001 (Annexure RA-2) contending that despite availability of vacancies, respondents have not implemented the directions of this Court. Vide letter dated 8.5.2001, respondents appointed the applicant as substitute teacher in grade Rs.4500-7000 till such time

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regular incumbent is posted or for a period of six months, whichever is earlier, at RMP School, Tundla. It was contended that the appointment letter of the applicant was not in consonance with the directions of the Tribunal in order dated 29.2.2000 inasmuch as this appointment letter too was exactly on the same terms as applicant's initial appointment order dated 4.8.1994, in spite of the fact that there was a clear vacancy on retirement of one Shri Khyali Ram with effect from 31.7.1999 at RMP School, Tundla. Applicant filed another OA, i.e., OA No.2882/2001 which was decided on 20.11.2003 (Annexure RA-1) with the following directions :

"6. Having regard to the above discussion, we find that there is no merit in the present OA except that Annexure A-6 dated 8.5.2001 re-engaging the applicant as Substitute Teacher for a period of six months and not till her replacement by a regular incumbent was not issued in proper spirit of order dated 29.2.2000 in OA No.2362/1998. In the interest of justice, therefore, we dispose of this OA again with a direction to respondents to consider applicant for re-engagement as substitute Assistant Teacher immediately on availability of a vacancy till such time that she is replaced by a regularly selected incumbent. Upon being so appointed as a substitute Assistant Teacher, it will remain open to the applicant to prefer her rights for regularisation in accordance with the rules and instructions on the subject."

3. The learned counsel pointed out that while the applicant had been re-engaged as a substitute teacher, the aforesaid directions were made on 20.11.2003 under the impression that applicant was not in service and as such was directed to be re-engaged immediately on availability of a vacancy. The learned counsel stated that there was a clear vacancy. Applicant was re-engaged

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on 8.5.2001 but not in proper spirit. She should not have been appointed for a period of six months but actually allowed to continue till replaced by a regularly selected incumbent. The learned counsel of the respondents admitted that applicant had already been engaged in service as substitute teacher and was not required to be re-engaged on availability of a vacancy.

4. Thus, there is an apparent error on the face of record which is alleged on behalf of applicant and admitted too by the learned counsel of the respondents. In this backdrop, the direction to re-engage the applicant as and when a vacancy is available could not have been made. Thus, the review application is allowed and order dated 20.11.2003 in OA No.2882/2001 is recalled.

5. The learned counsel of both sides thereafter agreed to submit their arguments on merits of the OA. They were heard. Orders in OA are reserved.

*V. K. Majotra*

( V. K. Majotra )  
Vice-Chairman (A)

/as/

18/7/2004

Order pronounced today in open court in OA by Hon'ble Sh. V.K. Majotra, VCCA in Bench.  
OA disposed of  
Original order attached in OA Part 'A' OA files.  
B.D.  
CO-ED