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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.2076/98

New Delhi, this the 27th day of November, 2000

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SHRI S.A.T. RIZVI, MEMBER (A)

Smt. Santosh Yadav, Sister Tutor, W/O
Sh. C.P.Yadav, aged 43 years, R/O R-20,
Model Town, Delhi-9.

...Applicant.

(By Advocate: Sh. Shanker Raju)

VERSUS

1. Union of India, through its Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi.
2. Director General, Directorate General of Health Services, (Nursing Section) Nirman Bhawan, New Delhi.
3. Smt. Prabha Ramesh, Sister Tutor, Working at Lady Reading Health School, Bara Hindu Rao, Delhi-6.

.....Respondents.

(By Advocate: Sh. Rajeev Bansal)

O R D E R (ORAL)

Justice Ashok Agarwal, Chairman:-

Applicant was appointed as Sister tutor in Lady Reading Health School, Delhi w.e.f. 25.1.85. Her initial order of appointment was on adhoc basis. The said order dated 25.1.85 is to be found at Annexure A-3. Her services have been regularised w.e.f. 6.7.88.

2. Respondent No.3 came to be appointed also as a Sister Tutor on adhoc basis w.e.f. 20.7.87 which is after the applicant was appointed. However, she was regularised w.e.f. 21.8.87. Her order of appointment is to be found at Annexure A-5 and that of her regularisation is at Annexure A-6. Since respondent No.3 was regularised prior to applicant having been regularised, applicant has been shown junior to respondent No.3.
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3. In the seniority list of 17.3.97 at Annexure A-2, applicant has been shown junior to respondent No.3. Applicant submitted a representation to treat her period of adhoc service on regular basis. By the impugned order passed on 21.8.98 at Annexure A-1 the same has been rejected.

4. Applicant by the OA claims parity of treatment. She claims regularisation prior to respondent No.3 based on her earlier appointment. As far as respondent No.3 is concerned, she has been regularised within a month from the date of her initial appointment on adhoc basis. Since the services of respondent No.3 were regularised within one month of her initial appointment, applicant also claims similar regularisation within one month of her initial appointment on 25.1.85. She, therefore, claims regularisation w.e.f. 25.2.85. In any event, she claims regularisation earlier to that of respondent No.3. In our view, the claim made is fully justified and deserves to be granted. As far as respondent No.3 is concerned, she has been regularised by an order passed on 1.10.92 (Annexure A-6). By the order, she has been granted regularisation retrospectively w.e.f. 21.8.87. However, as far as applicant is concerned, she has been regularised only. w.e.f. 6.7.88. She has accordingly been shown junior to Respondent No.3 in the seniority list at Annexure A-2.

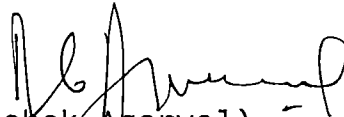
5. Present OA, in the circumstances, is allowed. The impugned order dated 21.8.98 (Annexure A-1) is quashed and set aside and the respondents are directed to regularise the applicant as Sister Tutor w.e.f. 25.2.85. The

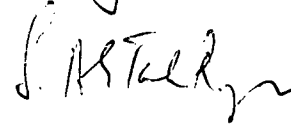
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impugned seniority list dated 17.3.97 (Annexure A-2) is also quashed and set aside and the applicant is directed to be ranked senior to respondent No.3 in the seniority list. Applicant will be entitled to consequential reliefs flowing from the present order.

No costs.


(Ashok Agarwal)
Chairman


(S.A.T. Rizvi)
Member (A)

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