

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O A No. 23 62/98

New Delhi: this the 29th day of February, 2000.

HON'BLE MR. S. R. ADIGE VICE CHAIRMAN (A).

HON'BLE MR. KULDIP SINGH, MEMBER (J)

Smt. Neelam Yadav,
W/o Dr. Lal Deo Singh,
Asstt. Teacher at N. Rly. Inter College,
Tundla,
Distt. Firozabad (UP). Applicant.
R/o A-3/268, Paschim Vihar, New Delhi
(By Advocate: Shri P.M. Ahlawat)

Versus

1. Union of India
through

The Ex. Officio Principal Secretary
to the Govt. of India,
Ministry of Railways &
Chairman,
Railway Board,
Rail Bhawan,
New Delhi-1.

2. The General Manager,
Northern Railway,
Baroda House,
New Delhi-1

3. The Divisional Railway Manager,
Northern Railway,
Allahabad. Respondents.

(By Advocate : Shri B.S. Jain)

ORDER

HON. MR. S. R. ADIGE VC(A)

Applicant impugns respondents' order dated 15.12.97 (Annexure-A-1) terminating her services. She seeks a direction that she be deemed to have continued as Substitute Asstt. Teacher with consequential benefits as her juniors are still said to be continuously working and for consideration for appointment/regularisation as Teacher Gr. 4500-7000.

2. Heard both sides.

3. Admittedly applicant was appointed as a Substitute Asstt. Teacher for six months on adhoc basis vide letter dated 4.8.94 (Annexure-A-2). The aforesaid

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letter makes it clear that applicant would have no claim for regularisation unless she was empanelled by RRB and her substitute service would automatically stand terminated on expiring of six months or till a regularly empanelled candidate became available. This order was tended from time to time.

4. Meanwhile RRB conducted selection for recruitment for panel of six Asstt. Teachers in Allahabad Division. The selection consisted of written test and interview. Applicant appeared in the written test, but was not called for interview. She challenged respondents' action in not calling her for interview in OA No.255/97 before CAT Allahabad Bench. That OA was dismissed by order dated 6.11.97 (Annexure-R-1).

5. In the impugned order dated 15.12.97, it is stated that a regular candidate having become available, applicant's services are being terminated.

6. Applicant has contended that some persons junior to her as Substitute Asstt. Teacher are still continuing in service, but respondents in the corresponding paragraphs of their reply have averred that they are continuing as a result of interim order of CAT Allahabad Bench against termination of their substitute service, and no advantage can accrue to applicant from the same.

7. From respondents' reply, it further appears that the services of applicant as well as one Smt. Zahida Bano Rizvi were terminated by replacing them with 2 candidates selected through RRB. Subsequently Smt. Rizvi was ~~re-engaged~~ ^{re-engaged} on 10.7.97. Meanwhile applicant who was in service of respondents at that point of time was disengaged by respondents vide impugned order dated 15.12.97 upon a regular

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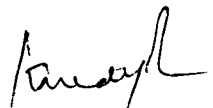
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candidate becoming available.

8. As Smt. Rizvi has not been impleaded as a party in this OA, no order adverse to her interests be passed.

9. We therefore dispose of this OA with a direction to respondents to consider applicant's case for engagement as Substitute Asstt. Teacher as and when vacancies become available. Upon being so appointed as a Substitute Asstt. Teacher, it will be open to applicant to work out her rights for regularisation in accordance with rules and instructions on the subject.

10. The OA is disposed of in terms of para 9 above. No costs.


(KULDIP SINGH)
MEMBER (J)


(S. R. ADIGE)
VICE CHAIRMAN (A).

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