

CENTRAL ADMINISTRATIVE TRIBUNAL  
Principal Bench

O.A. No. 1412 of 1997

New Delhi, dated this the 6th April, 2000

(A)

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MR. KULDIP SINGH, MEMBER (J)

Smt. Premwati,  
Ex-Civilian Safaiwali,  
Militarty Hospital, Mathura  
W/o Shri Brahm Prakash,  
Mohalla Mukerian, Sadar Bazar,  
Mathura (U.P.).

.. Applicant

(By Advocate: Shri D.N. Sharma)

Versus

1. Union of India through  
the Secretary,  
Ministry of Defence,  
South Block,  
New Delhi.
  2. The Director General of Medical Services,  
Army Medical Corps, Sena Bhawan,  
New Delhi.
  3. The Dy. Director of Medical Services,  
Headquarters U.P. Area,  
Bareilly-243001.
  4. The Commanding Officer,  
Military Hospital,  
Mathura Cantt. (U.P.).
- ... Respondents

(By Advocate: Shri Harvir Singh proxy  
counsel for Mrs. P.K. Gupta)

ORDER (Oral)

Mr. S.R. Adige, VC (A)

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Applicant impugns Respondents' order dated 12.1.97 (Annexure A-4). She prays for reinstatement as Civilian Safaiwali (Female) with all consequential benefits including continuity in service and backwages.

2. We have heard applicant's counsel Shri D.N. Sharma and Respondents' proxy counsel Shri Harvir Singh.

3. It is not denied that consequent to the <sup>re</sup> retirement of applicant's predecessor, the post of Safaiwala had fallen vacant at Military Hospital, Mathura. Applicant was selected as a Direct Recruit vide order dated 11.12.96 and joined duty on the same day. The aforesaid appointment was, however, cancelled by impugned order dated 12.1.97 (Annexure A-4).

4. The only reason for cancellation of applicant's appointment as per Respondents' reply is that the aforesaid vacancy of Safaiwala was not released by Army Headquarters, New Delhi.

5. It is not denied that the vacancy of Safaiwala did become available consequent to the <sup>the earlier</sup> retirement of ~~existing~~ incumbent, and it is also not denied that applicant was selected through Direct Recruit for the aforesaid post.

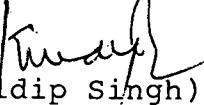
6. Under the circumstances we hold that applicant's appointment order should not have been cancelled by Respondents merely because the vacancy was not released by Army Headquarters. In view

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was not released by Army Headquarters. In this connection applicant's counsel has invited our attention to the Tribunal's order dated 25.9.98 in O.A. No. 912/97 Naresh Kumar Vs. Union of India & Others, wherein in <sup>7</sup> similar circumstances the impugned order cancelling the appointment of that applicant had been quashed and set aside, and Respondents had been directed to reinstate applicant as a Civilian Chowkidhar within one month from the date of receipt of a copy of the order.

7. We are satisfied that the ruling in the aforesaid case fully applies to the facts and circumstances of the present case. Accordingly the impugned order dated 12.1.97 is quashed and set aside and respondents are directed to reinstate applicant as Safaiwali within two months from the date of receipt of a copy of this order. Applicant shall be entitled to consequential benefits in accordance with rules and instructions.

8. The O.A. stands allowed in terms of Paragraph 7 above. No costs.

  
(Kuldip Singh)  
Member (J)

  
(S.R. Adige)  
Vice Chairman (A)

/GK/