

(4)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.1975/97

New Delhi: this the 16th day of December, 1997.

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

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Smt. Bani Khanna,
W/o Shri Bhupendar Nand Khanna,
working as Asstt. Mistress,
Oak Grove School,
Northern Railway Jharpani,
Distt. Dehradun, UP

....Applicant.

(By Advocate: Shri S.K.Sawhney)

Versus

Union of India through
Secretary,
Railway Board,
Rail Bhawan,
New Delhi.

2. General Manager,
Northern Railway,
Baroda House,
New Delhi.

3. Chief Personnel Officer,
Northern Railway,
Acting as Executive Governor,
Oak Grove School,
Jharpani,
Distt. Dehradun.

4. Mrs. S.B.Bhaskar,
Head Mistress,
Oak Grove School,
Northern Railway,
Jharpani,
Distt. Dehradun

..... Respondents.

(By Advocate: Shri R.L.Dhawan)

JUDGMENT

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

Applicant impugns respondents' order dated 25.2.97 (Annexure-a1) granting extension of service to respondent No.4 for six months w.e.f. 1.3.97 and prays for consideration for the post of Head Mistress Junior School Oak Grove School, Jharpani.

We note that during the pendency of the present OA, respondent has been given a further extension of six months beyond 1.9.97 vide respondents' order of said date (Annexure-R3) which will expire on 28.2.98.

2. We have heard Shri Sawhney for the applicant and Shri Dhawan for respondents.

3. Admittedly the aforesaid post of Head Mistress is a selection post. Respondents also admit that Respondent No.4 who was promoted to the said post through selection on 31.12.92 continued to work on that post till 28.2.97, her normal date of superannuation. They seek to justify their grant of extension to her on the aforesaid post on the ground of her efficiency and high quality of her work, Respondents also contend that on the aforesaid post in an excadre post, applicant has no enforceable right to be appointed to that post. As the rules require the post to be filled up through selection, respondents are not acting according to rules when they retain Respondent No.4 on the said post by giving her repeated extensions beyond her date of superannuation. They shall not give her further extension beyond 28.2.98.

4. Accordingly, we dispose of this OA with a direction to respondents to initiate action well in time to fill up the said post strictly in accordance with the RRs, after considering the case of all those eligible candidates coming within the zone of consideration, such that the selected candidate is in a position to join the post on 1.3.98. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

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