

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

(5)

O.A. No. 1769/93
T.A. No.

199

DATE OF DECISION 30-9-1993

Dr. (Mrs.) Indu Vaid	Petitioner
Shri BB Raval	Advocate for the Petitioner(s)
Versus	
Union of India	Respondent
Ms. Raj Kumari Chopra	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. N.V.KRISHNAN, VICE CHAIRMAN (A)

The Hon'ble Mr. B.S.HEGDE, MEMBER (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

ORAL

JUDGEMENT

(Hon'ble Shri N.V.Krishnan, Vice Chairman(A))

This case has been listed today for hearing on the interim relief. However, after hearing the counsel of the parties, we are finally disposing of the OA itself.

2. The applicant was a Scientific Assistant (Homoeopathy) under the 1st respondent. On 6-12-88, the 1st respondent issued the An.A3 office memorandum inviting applications for the post of Research Officer (Homoeopathy). The applicant applied for that post. It is stated in para 4.4 of the L.A. that a DPC was scheduled to be held for the purpose of selecting a Research Officer. Subsequently, the applicant was appointed by the An.A4 order dated 16-5-89 as Research Officer (Homoeopathy) on ad hoc basis for six months w.e.f. 4-5-89 or till the post of Research

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Officer (Homoeopathy) is filled on a regular basis.

3. It appears, as mentioned in para 4.6 of the O.A., that as advised by UPSC, the vacancy was readvertised on 17-10-89 by the Ist respondent (An.A5) on the same terms. The applicant applied for the post in response to that O.M. also.

4. It is stated that, since then, the appointment of the applicant on the same terms has been continued from time to time and the last order of continuation is dated 5/11-11-92 (An.A11) by which her appointment was continued for six months from 4-5-92 or till the post of Research Officer was filled on regular basis.

5. Though no formal order extending the applicant's appointment from 4-11-92 has been issued, it is stated that the applicant is still working on the said post. An.A14 is a certificate dated 29-7-93 issued by the Director, Homoeopathic Pharmacopoeia Laboratory, Govt. of India, stating that she has worked in this post from 4-5-89 in the pay scale of Rs.2200-4000 and is still working against this post.

6. The applicant submitted on 9-7-92 a representation (An.A13) to the Ist respondent through her Director for confirmation/regular appointment as Research Officer, which was forwarded by the Director. That representation is still pending.

7. Subsequently, the applicant sent another representation dated 25-9-92 (An.A) to the same effect enclosing therewith a copy of certain guidelines stated to have been issued by the Supreme Court. That representation has also not been disposed of.

8. It is in these circumstances that this O.A. has been filed to give a direction to the respondent to regularise applicant's service to a Group 'A' post

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from 4-5-89 by virtue of her first appointment by the An.A3 office memorandum, which is still continuing.

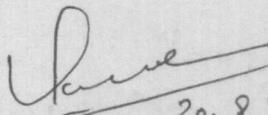
9. The applicant also prayed for an interim order to the respondents to maintain the status quo as regards the post of Research Officer held by her.

10. The matter regarding interim relief came up today for hearing.

11. That point was argued at great length, the learned counsel for the respondent opposing it vehemently. However, we felt that as the representations of the applicant have not yet been disposed of, it should, perhaps, be possible to dispose of the O.A. itself with a suitable direction to the respondent. We also felt that until the representations are disposed of, the respondents should be directed to maintain status quo.

12. The learned counsel for the parties agreed that the application can be disposed of in this manner. Accordingly, we dispose of this application, without waiting for a formal reply from the respondents, with a direction to the first respondent to consider the representations An.A13 dated 9-7-92 and An.A dated 25-9-92, in accordance with law and dispose of the same within a period of one month from the date of receipt of this order under intimation to the applicant. We further direct that until the representations are disposed of, the status quo of the applicant as of today shall be maintained. Needless to say, if the applicant is aggrieved by the orders that may be passed by the respondent, it is open to her to seek such redress as may be advised before the appropriate forum.


(B.S. HEGDE)
Member (J)


30.9.93
(N.V. KRISHNAN)
Vice Chairman (A)