

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 14th day of October, 2004.

QUORUM : HON. MRS. MEERA CHHIBBER, J.M.

HON. MRS. ROLE SRIVASTAVA, A.M.

O.A. No. 1033 of 2004

Smt. Suneeta Shadman, wife of Sri Rohit Admund Shadman, r/o
D-59/133, Ghurch Compound, Sigra, Varanasi staff Nurse, DLW
Hospital, Varanasi, Staff No.11575..... ...Applicant.

Counsel for applicant : Sri V.K. Srivastava.

Versus

1. Union of India through Chairman, Railway Board, New Delhi
 2. Chairman, Railway Recruitment Board, Allahabad.
 3. General Manager, Diesel Locomotive Works, Varanasi.
 4. Deputy Chief Personnel Officer, D.L.W., Varanasi.
 5. Chief Medical Superintendent, D.D.W., Hospital, Varanasi.
-Respondents.

Counsel for respondents : Sri K.P. Singh.

O R D E R (ORAL)

BY HON. MRS. MEERA CHHIBBER, J.M.

By this O.A. applicant has challenged the order dated 18.11.2003 and the order dated 18.3.2004 whereby her services have been terminated.(Page 24). She has further sought a direction to the respondents to regularise her services as staff nurse by way of absorption after conducting the screening test as per Master Circular regarding screening of substitute for absorption in regular service.

2. It is submitted by the applicant that she has been working as staff nurse in D.L.W. hospital, Varanasi as substitute since 22.10.1997. Her working was always found to be satisfactory by the Doctors and there has never been any complaint against her working, therefore, in normal course she should be regularised as per Master Circular issued by the Railway Board but she was made to suffer on the basis of regular examination as she was appearing in direct recruitment examination. The examination was taken by a non-medical person and her services have been termina-



ted on the ground that she had failed in the said examination.

3. As the applicant has given a detailed appeal to the General Manager, D.L.W., Varanasi on 10.4.2004 stating therein that persons junior to her namely, Mrs. Neera Srivastava still being continued even though she had failed twice in the examination conducted in Allahabad and Gorakhpur and the vacancies are still available, therefore, there is no justification to terminate her services but till date no reply has been given on her appeal. Therefore, she had no other option but to file the present O.A.

4. Counsel for the respondents was seeking time to file reply but we do not think it necessary to call for counter at this stage because the appeal is still pending before the competent authority and the remedy is available to her. Therefore, we feel that ends of justice would be ^{met,} ~~made~~ if this O.A. is disposed of at the admission stage itself without going into the merits of the case by directing the Respondent No.3 to apply his mind to the grounds taken by the applicant in her appeal and to decide the same by a speaking and reasoned order within a period of two months from the date of receipt of a copy of this order under intimation to the applicant. In case, any other person is being continued as substitute inspite of having failed in the test conducted by the R.R.B., we are sure that the applicant ^{would} ~~could~~ also be given the same treatment provided vacancies are available.

5. With the above direction, this O.A. is disposed of at the admission stage itself with no order as to costs.

A.M.


J.M.

Asthana/