

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
A L L A H A B A D

Dated: Allahabad, the 19th day of December, 2000

Coram: Hon'ble Mr. Justice R.R.K. Trivedi, VC

Hon'ble Mr. S. Dayal, A.M.

Original Application No. 473 of 1993

Smt. Poseline Paul (William),
w/o Dilip Peter Paul,
r/o 117-B, Teachers Quarters,
Northern Railway,
Hospital Road, Tundla (Ferozabad).

. Applicant

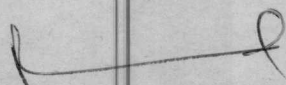
(By Advocate Sri K.K. Mishra)

Versus

1. Union of India, through
General Manager (P), Ministry of Railways,
Northern Railway, Baroda House,
New Delhi.
2. Divisional Railway Manager,
Northern Railway,
Allahabad.
3. Senior Divisional Personnel Officer,
Northern Railway, Allahabad.
4. Divisional Personnel Officer,
Northern Railway, Allahabad.
5. D.P. Shukla, Principal,
Northern Railway Inter College,
Tundla.
6. O.P. Shama, Asstt. Teacher,
Northern Railway Inter College,
Tundla.

(By Advocate Sri T.N. Koal)

. Respondents.



ORDER

(By Hon'ble Mr. Justice R.R.K. Trivedi, VC)

By this application under section 19 of the Administrative (Tribunals) Act, 1985, the applicant has prayed for a direction to the Respondents to regularise her services as T.G.T. (Trained Graduate Teacher) (Science and Biology) from November, 1987 and to pay salary for TGT for the entire period, in question. Consequential benefits have also been claimed.

2. The facts, in short, giving rise to this Application are that the applicant Smt. Poseline Paul (William) was selected by Railway Recruitment Board for appointment as Assistant Teacher in Primary Section. The appointment order in favour of the applicant was issued on 23.2.1984 (Annexure A-5 to the O.A.) and she was required to join at Northern Railway Inter College, Tundla. The applicant, however, was not allowed to join, as Sri K.K. Singhal^{whom} was serving on the post as a substitute teacher, had obtained interim order from Hon'ble High Court and was allowed to continue. By the order dated 23rd March, 1984, Respondent No.2 directed to down grade one post of Assistant Teacher in the Inter College and accommodate the applicant as Assistant Teacher in Science & Maths. The applicant, thus, joined on 28th March, 1984 as Assistant Teacher in the grade of Rs.330- 560 (though the grade for the post was Rs.440- 750/-). The applicant continued to serve on the post till 8th June, 1992, when she was asked to discharge duties as Primary teacher and one Sri Govind Ram Yadav joined in place of the applicant in Inter College by transfer on his own request. The applicant has, thus, claimed for her regularisation as TGT teacher on the basis of services rendered by her on the down graded post. The learned counsel for the

applicant has submitted that by the order dated 26.12.99 (Annexure No. A-25 to the O.A.) the substitute teachers in the TGT grade have been regularised, though the claim of the applicant was ignored.

3. We have carefully considered the submission of the learned counsel for the applicant. However, we are not satisfied that any direction, as claimed, may be given to the Respondents for regularising the applicant as TGT teacher. It is not disputed that the applicant was duly selected as Assistant Teacher for Primary Section. As she could not join in the Primary Section, on account of interim order passed by the Hon'ble High Court, she was accommodated by down grading TGT post, which continued for some time. But, the applicant cannot dispute her selection for regular appointment in Primary Section. ~~Thus~~, she has not raised any objection against the order, by which order dated 8th June, 1992, ^{by which} she has been asked to serve in Primary Section. Learned counsel for the applicant has challenged the regularisation of Respondent no.6 on the ground that he was a substitute teacher and he has ^{been} preferred for regularisation against the provisions contained in the rules. We are not convinced with the submissions of the learned counsel for the applicant- firstly the applicant belonged to different class altogether on the basis of her selection to different cadre. It appears that the Respondent No.6 joined initially as Assistant Teacher in TGT grade, though in the pay-scale of Rs.330- 560, which was enhanced by an order dated 6th April, 1983 to Rs.440- 760/- by D.R.M. The order

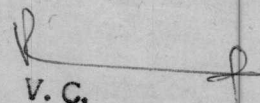
has been filed as Annexure No. ~~A-12~~ to the O.A. The letter also shows that the appointments were on ad hoc and temporary basis. They have been regularised under the Court's order dated 17.2.1984, as mentioned in the order dated 26.12.1999 (Annexure No. ~~A-25~~ to the O.A.). Thus, there is nothing common in the case of the applicant and the Respondent no.6 in respect of the selection for a particular cadre. The learned counsel for the applicant has not placed before us any rule, on which basis the applicant, though selected for Primary Section, may be considered for regularisation as TGT teacher in the Inter Sections.

4. The learned counsel for the applicant submitted that in any view of the matter, the applicant should have been paid full salary as TGT Teacher from 1987 to 1992. From records, it appears that the applicant was paid some allowance for shouldering higher responsibilities by an order dated 16th July, 1992 (Annexure No. ~~A-21~~ to the O.A.). The applicant has not shown any grievance against this order. The order has not been challenged in this O.A. by the applicant.

5. Under the circumstances, no relief can be given by this Tribunal. However, if the applicant has filed any representation against the order dated 16th July, 1992, she is advised to file a fresh representation, claiming the salary and if the representation is ^{per} filed, it may be considered and decided in accordance with law, within three months from the date of communication of this order.

6. Subject to the aforesaid, this Application is disposed. There will be no order as to costs.


A.M.


V.C.

Nath/