

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
AHMEDABAD BENCH

**O.A. NO. 498/93**

**TexAxxNo.**

**DATE OF DECISION** 08/8/1994

Smt.Usha Agarwal

Petitioner

Mr .N.D.Mukhija

Advocate for the Petitioner (s)

Versus

Union of India & Ors.

Respondent

Mr .R.M.Vin

Advocate for the Respondent (s)

**CORAM**

The Hon'ble Mr. N.B.Patel

: Vice Chairman

The Hon'ble Mr. V.Radhakrishnan

: Member (A)

**JUDGMENT**

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

No

Smt.Usha Agarwal w/o  
Shri Kalicharan Agarwal  
Assistant Teacher,  
Railway Primary School (EM)  
Valsad, r/o House No.202  
Somnath Chawl, Opp.Gujarati Shala,  
Bilimora(Gujarat)

: Applicant

(Advocate: Mr.N.D.Mukhija)

Versus

1. Union of India  
Through:  
The General Manager,  
Western Railway,  
Churchgate, Bombay-20.
2. Divisional Rail Manager,  
Western Railway,  
Bombay Central.

: Respondents

(Advocate: Mr.R.M.Vin)

ORAL ORDER

in

O.A. 498/93

Date: 08/8/1994

Per: Hon'ble Mr.N.B.Patel

: Vice Chairman

Written statement filed by Railways taken on record.

Heard Mr.Mukhija. The applicant has been working as a confirmed Assistant Teacher since 12.11.1979. According to her, she is entitled to senior grade of Rs.1400-2600 as she has completed more than 12 years of service as Assistant Teacher in the grade of Rs.1200-2040. She relies on Railway Board Circular dated 11.1.1988 (Annexure A-5) in support of this claim made by her.

It appears that subsequently the Railway Board has issued instructions dated 11.4.1988 stipulating that senior grade

should be given only to those teachers who possess necessary educational qualifications for being eligible to be directly recruited as Assistant Teachers. These qualifications are said to be SSC plus PTC i.e. Primary Training Certificate Course. In the present case, the applicant has passed SSC but she has not taken primary teaching course. She has got a pre-PTC Certificate. However, the fact remains that for about 15 years, the applicant has been working as ~~confirmed~~ Assistant Teacher in the grade of Rs.1200-2040 and the question is whether the requirement regarding educational qualifications should not be relaxed in her case. On behalf of the applicant, Mr. Mukhija states that the applicant will be satisfied, at this stage, if the Railway Board is directed to consider and decide her request for relaxation in the matter of educational qualifications within a reasonable time. The applicant may make <sup>a</sup> self-contained representation in the matter to the Railway Board narrating all the facts of her case which would justify the grant of relaxation in her case. The applicant shall make such a representation within 3 weeks from today. If the applicant accordingly makes a representation to the Railway Board, the Railway Board is directed to consider her representation on merits, bearing in mind the fact that the applicant has been working as a ~~confirmed~~ Assistant Teacher <sup>for</sup> as many as 15 years. The Railway Board shall take the necessary decision as to whether relaxation should be granted to the applicant or not within a period of 8 weeks after the receipt of representation by them.

: 4 :

The Railway Board is further directed to communicate its decision to the applicant within a period of two weeks after the same is taken. In view of these directions, Mr. Mukhija seeks permission to withdraw the O.A. with liberty to the applicant to approach the Tribunal again in the event of the applicant feeling aggrieved by the decision which the Railway Board might take. Permission granted with liberty as prayed for. O.A. stands disposed of ~~as~~ accordingly. No order as to costs.

  
(V. Radhakrishnan)  
Member (A)

  
(N. B. Patel)  
Vice Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

Application No. 041498/93 of 19

Transfer Application No. \_\_\_\_\_ Old W. Pett. No \_\_\_\_\_

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consideration to the Record Room.

Dated : 27.09.94

Countersigned :



.....of  
Signature of the Dealing  
Assistant

Section Officer/Court officer

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AT AHMEDABAD BENCH

INDEX SHEET

CAUSE TITLE cal498192 OF 19

NAME OF THE PARTIES Mr. Usha Agarwal

## VERSUS

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