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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH; CUTTACK

Original Application No. 102 of 1990

Date of Decision: 9.7.1992

Smt.Sukanti Devi

Applicant

Versus

Union of India & Others

Respondents

For the applicant

M/s.S.K.Dash,
P.R.Barik
J.P.Choudhury &
D.R.Pattnaik,
Advocates

For the respondents

Mr.Ashok Mohanty,
Standing Counsel (Central)

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C O R A M

THE HONOURABLE MR.K.P.ACHARYA, VICE-CHAIRMAN

AND

THE HONOURABLE MR.M.Y.PRIOLKAR, MEMBER (ADMN.)

...

1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, In this application the petitioner, Smt.Sukanti Devi prays to regularise the post in which she is working as a typist on casual basis.

2. We have heard Mr.S.K.Dash, learned counsel for the petitioner and Mr.Ashok Mohanty, learned Standing Counsel for the Railway Administration.

3. Admittedly the petitioner has been working as a typist on casual basis. She has been offered an appointment in Class-IV post which perhaps she has refused to accept because of her qualification of having passed B.A. degree examination. We do appreciate the feeling of the petitioner and equally we appreciate the difficulties of the departmental authorities for their inability in adjusting the petitioner against a Class-III post. We are of opinion that the departmental authorities cannot give a Class-III post to the petitioner unless there is a sanctioned post and she is found to be suitable. During the course of argument Mr.Dash, on behalf of the petitioner agreed that she is prepared to accept the offer of a Class-IV post which was made to her contained in Annexure-6 dated 6.2.1990, but the departmental authorities may engage her in the typing work which is essentially required for their ^{own interest} ~~oral discretion~~ and the petitioner is willing to accept the pay scale of a Class-IV employee. Since this concession has been made on behalf of the petitioner, we would direct that this adjustment be made till a regular incumbent comes to the post of typist.

Whenever a regular incumbent comes to join the post of a typist, the petitioner may be entrusted with the work of a class-IV employee but we hope and trust that keeping in view the educational qualification of the petitioner, the departmental authorities should not entrust the petitioner with any menial jobs, if could be possible and this would be in keeping with the broad mind and large heartedness of the concerned authorities which is always expected from an employer. It may be remembered that poverty and the present hard days thrives a person with such educational qualification to accept any job in order to sustain himself/herself and to sustain the family. Therefore we commend to the concerned authority to take a sympathetic and compassionate view.

4. Thus the application is accordingly disposed of leaving the parties to bear their own costs.

[Signature]
MEMBER (ADMINISTRATIVE)

[Signature]
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 9th July 1992
B. K. Bahoo

