

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.436/93

Friday, this the 4th day of February, 1994.

SHRI N DHARMADAN, MEMBER(J)

SHRI S KASIPANDIAN, MEMBR(A)

K Dhanalakshmi,
Teacher,
Railway High School,
Palghat.

- Applicant

By Advocate Mr P Sivan Pillai

Vs.

1. Union of India through
General Manager,
Southern Railway,
Madras-3.
2. The Divisional Personnel Officer,
Southern Railway,
Palghat.
3. The Chief Personnel Officer,
Southern Railway,
Madras-3.
4. The Divisional Personnel Officer,
Southern Railway,
Palghat. - Respondents

By Advocate Mr Thomas Mathew Nellimoottil

O R D E R

N DHARMADAN, MEMBER(J)

Applicant is working as a Substitute Teacher in the Railway High School with effect from 28.11.1980. According to her, she is continuously working in that post ever since her appointment and a post is available for regularising her service. When she requested for regularisation, as per Annexure-A7, the Divisional Railway Manager has recommended her case for regularisation along with the case of Smt K Indira Menon and Smt CV Sarada, who also started working as Teachers in the same School under the Railway along with her. Smt Sarada has

earlier filed OA-1674/92. It was heard and allowed as per Annexure-A15 judgement dated 11.1.1994. The operative portion of the judgement is extracted below:

"4. The only objection raised by the respondents in the reply is that there is no rules for regularisation of employees in Group 'C' post. The Railway can absorb applicant only through a selection by Railway Recruitment Board or Railway Service Commission.

5. The same contentions of the Railway was considered by this Tribunal in Annexure-A18 judgement and held that in view of the long and continuous service, an employee is entitled to a consideration for appointment in a regular Group 'C' post. The judgement of this Tribunal in OA-119/91 covers the issue arising in this case. Applicant's case is supported by additional materials, viz, Annexure-A12 to A17 and the parallel case of Smt Jayalakshmi.

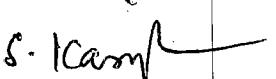
6. In the light of the aforesaid documents and decision, we are satisfied that the OA can be disposed of in the interest of justice directing the third respondent to consider the regularisation of the applicant taking into consideration the recommendation Annexure-A10. This shall be done within a period of four months from the date of receipt of a copy of this order.

7. The OA is disposed of as above. No costs."

2. Since the applicant's name was included in the same letter of the Divisional Railway Manager containing recommendation for regularisation of Smt Sarada and that the applicant is similarly situated, we are of the view that the earlier judgement in Annexure-A15 applies to the facts of this case. We adopt the reasoning therein and dispose of this application with the same observation/directions.

3. Accordingly we dispose of this application directing the third respondent to consider the regularisation of the applicant taking into account the recommendation in Annexure-A7 and the Railway Board orders Annexures-A8 to A13 produced by the applicant. The direction shall be complied with as expeditiously as possible without any delay.

4. The OA is disposed of as above. No costs.


(S KASIPANDIAN)

MEMBER(A)


(N DHARMADAN)
MEMBER(J)