

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.272/99

Wednesday, this the 11th day of July, 2001.

CORAM;

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Molly.K.A.  
Staff Nurse,  
Indira Gandhi Hospital,  
Kavarathi. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Medical Superintendent,  
Indira Gandhi Hospital,  
Kavarathi.
2. The Administrator,  
Union Territory of Lakshadweep,  
Kavarathi.
3. The Director of Medical and Health  
Services,  
Union Territory of Lakshadweep,  
Kavarathi.
4. The Secretary to Government of India,  
Ministry of Home Affairs,  
New Delhi. - Respondents

By Advocate Mr PR Ramachandra Menon

The application having been heard on 11.7.2001, the Tribunal  
on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The applicant who possesses the requisite  
qualification for appointment as Staff Nurse in the Medical  
Services of Union Territory of Lakshadweep, was appointed for

a period of three months, as per order dated 24.7.95(A-1). Despite the fact that it was mentioned in A-1 that the appointment was only for a period of three months on a leave vacancy, the applicant continued thereafter without break, but was not appointed on regular basis. Probably, because the post of Staff Nurse are to be filled on a regular basis, according to extant instruction (A-2) by local candidates, the respondents did not take any steps for regular appointment. Aggrieved by the continued ad hocism, the applicant filed O.A.118/97 seeking regularisation. That O.A.. was disposed of by order dated 26.5.97 directing that as and when steps are taken for filling up the post on regular basis, the candidature of the applicant shall also be considered, if she is otherwise eligible and qualified. Finding that despite the above order, the respondents did not take any steps to regularise the services of the applicant, she has filed this application praying that it may be declared that the applicant is entitled to be considered for regularisation as Staff Nurse and a direction may be given to the respondents to regularise the service of the applicant as Staff Nurse under the Lakshadweep Administration, atleast with effect from 1.8.95 with consequential benefits and alternatively, for a declaration that the applicant is entitled to be considered for regular appointment as Staff Nurse and to direct the respondents to consider the candidature of the applicant.

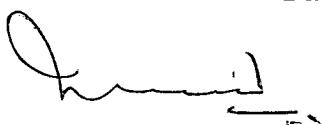
2. Respondents have filed a detailed reply statement.

(M)

3. When the matter came up for hearing today, learned counsel for the applicant stated that as the applicant is continuing in service, the applicant would be satisfied if he is permitted to make a representation to the 4th respondent seeking regularisation pointing out the instruction contained in A-5 issued by the Ministry of Home Affairs and the 4th respondent is directed to consider the representation and to give the applicant an appropriate reply within a reasonable time. Learned counsel for the respondents states that this may be done.

4. In the light of the above submission of the learned counsel on either side, without going into the rival contentions of the parties, we dispose of this application permitting the applicant to make a detailed representation to the 4th respondent inviting attention to A-5 letter of the Ministry of Home Affairs within a period of one month from today, and directing the 4th respondent that if such a representation is received, the same shall be considered in accordance with the rules and instructions on the subject and an appropriate reply given to the applicant within a period of three months from the date of its receipt. There will be no order as to costs.

Dated, the 11th July, 2001.

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

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LIST OF ANNEXURES REFERRED TO IN THE ORDER:

1. A-1: True copy of the order dated 24.7.95 No.F.No.5/12/94-EMHS along with the terms and conditions issued by the 3rd respondent.
2. A-2: True copy of the letter dated 3.7.75 No.14016/14/74 ANL issued by the Deputy Secretary to Government of India, O/o the 4th respondent.
3. A-5: True copy of the order No.14011/8/76 dated 14.1.77 issued by R.L.Pradeep, Director(ANL) to the Ministry of Home Affairs, New Delhi.