

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.299/99

Wednesay this the 20th day of June, 2001.

CORAM

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER  
HON'BLE MR. G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Rajeena P.M.  
D/o Madhusoodana Panicker  
Trained Graduate Teacher (Hindi)  
S.B.School, Kavarathi.  
Residing at Puthenveedu, Muttom P.O.  
Thumpamon (via), Panthalam,  
Pathanamthitta.

...Applicant

By advocate Mr.M.Rajendran Nair

Versus

1. The Administrator  
Union Territory of Lakshadweep  
Kavarathi.
2. The Director of Education  
Union Territory of Lakshadweep  
Kavarathi.
3. The Union of India represented by  
its Secretary to Govt. of India  
Ministry of Home Affairs  
New Delhi.

...Respondents

By advocate Mr.P.R.Ramachandra Menon

The application having been heard on 20th June, 2001,  
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M.SIVADAS, JUDICIAL MEMBER

Applicant seeks to declare that she is entitled to be considered for regularisation as Trained Graduate Teacher (Hindi) and to direct the respondents to consider her for regularisation as TGT (Hindi) and also to regularise her against one of the existing vacant posts of TGT (Hindi).


2. Applicant is a Post Graduate in Hindi with B.Ed. Degree also. She was appointed as TGT (Hindi) on contract basis upto 31.3.98 in the Govt. Senior Secondary School, Kavarathi as per A-1. On 31.3.98 her services were terminated.

She was again appointed as TGT (Hindi) on contract basis as per A-2. The validity of A-2 is only upto 31.3.99.

She apprehends that her services will be terminated on that day. She says that she is similarly situated to the applicant in OA 830/96 and connected OAs. As such there is no justification in continuing her services only on contract basis and she is entitled to be regularised.

3. Respondents resist the OA contending that the applicant was not appointed against a regular sanctioned post but only on contract basis with special sanction of the 1st respondent as the Ministry of Human Resources Development had not sanctioned any regular post. The Administration has no intention to continue with contract appointment indefinitely. As and when vacancy arises and post sanctioned, suitable candidates will be selected and appointed observing all the rules and regulations.

4. The applicant is relying on A-3 order of this Bench of the Tribunal in support of her claim. Respondents have clearly stated that the applicant was not appointed against any regular sanctioned post. Applicants in the OA and the applicants in OA 830/96 and connected OAs are not similarly situated. Those applicants were appointed against regular sanctioned posts. The stand of the respondents that the applicant was not appointed against a regular sanctioned post is not denied. That being so, the applicant cannot say that she is on par with the applicants in OA 830/96 and connected OAs in which A-3 order was passed and, therefore, she is entitled to get the same benefit.



5. Respondents have also categorically stated that there is no intention to continue the contract appointment and as and when post is sanctioned, regular appointment will be made in accordance with rules and regulations. That being the position, the applicant is not entitled to any of the reliefs sought.

6. Accordingly, the OA is dismissed. No costs.

Dated 20th June, 2001.



G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER



A. M. SIVADAS  
JUDICIAL MEMBER

aa.

Annexures referred to in this order:

- A-1 True copy of the order dated 11.11.97 No.F.No. 18/4/97-Edn. issued by the 2nd respondent.
- A-2 True copy of the order dated 30.5.98 No.F.No.19/20. 98-Edn issued by the 2nd respondent.
- A-3 True copy of the final order dated 8.12.97 in OA 830/96 and connected cases.