

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW.

.....
Registration T.A. No. 1048 of 1987
(W.P. No. 2292 of 1982)

Km. Rita Srivastava Applicant.

Versus

The Union of India
and another Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

By means of this application, the applicant had applied for the post of Telegraphists which were advertised in the year 1980. The applicant applied for her appointment on one of the said posts along with others and appeared in the test. After qualifying the test, the applicant was selected for the prescribed course of training against a clear vacancy on 26.12.1981. Being higher in the position, her name was put upon the names of Sri A.K. Kesharwani and A.K. Trivedi. The applicant was appointed as Telegraphist in the Central Telegraph Office, Lucknow but all of sudden, vide order dated 14.5.1982, her services were terminated. According to the merit and seniority list the applicant's services have been terminated although Sri A.K. Kesharwani and A.K. Trivedi who are junior to the applicant are still continuing in ~~the~~ service, and against the said order the applicant had filed a writ petition before the Hon'ble High Court at Lucknow Bench and which was received on transfer to this Tribunal under Sec. 29 of the Administrative Tribunals Act, 1985.

(A.P)

- 2 -

2. The respondents in their written statement have stated that it was brought out by scrutiny of the records that the applicant did not succeed in the prescribed dictation-cum-handwriting test. The appointment of the applicant was made under mistake which has been corrected by her removal under Temporary Services Rule, 1965. We are of the opinion that the applicant cannot suffer for such type of mistake which was committed by administration.

3. Accordingly this application deserves to be allowed, and the termination order dated 14.5.1982 is quashed and the applicant will be deemed to be continuing in ~~regular~~ services and the respondents are directed to regularise the services of the applicant w.e.f. the date on which services of her juniors were regularised and let it be done within 3 months from the date of receipt of the copy of this order. The application is disposed of with the above terms. Parties to bear their own costs.


Member (A)


Vice-Chairman

Dated: 9.12.1991

(n.u.)