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CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 361 of 1991 (L)

Versus

Hon'ble Mr. Justice U.C.Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice U.C.Srivastava,VC)

Vide order dated 26.8.1991 passed by the Chief Medical Superintendent North East Railway, Lucknow, the service of the applicants were terminated. Coming to know that the applications have been invited for the post of Pharmacist, X-Ray Technician and Staff Nurse to fill up the vacancies in the Lucknow Division of Northern-Eastern Railway. The applicants also applied for the same. The applicant no. 1 and 2 applied for the post of Pharmacist and the applicant no. 3 applied for the post of X-Ray Technician. After the process of interview, they were selected and thereafter, declared medically fit and in pursuance of the appointment letters, they joined their duties on their respective posts. According to the applicants, they were performing their duties when the order by which they have been axed fell upon their head without giving them any prior notice and without complying to the provisions of Industrial Disputes Act. and that's why they have challenged ^{that} the said order is illegal and may be quashed.

2. The respondents have opposed the application and have stated that the recruitment to these posts

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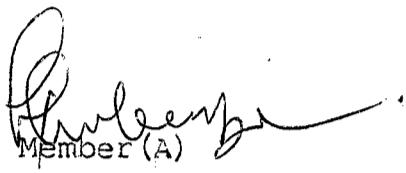
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are to be made through Railway Recruitment Board of the particular Railway as provided under para 109 of the Indian Railway Establishment Manual Vol.I. But in the present case there was extreme shortage of para Medical Staff and there was urgency, therefore it was decided to recruit the persons on daily wages, and consequently, these persons were appointed after some process of selection on daily wages purely on local arrangement. But an advertisement was issued and it was made clear that the recruitment is to be made on daily wages and the appointments are liable to termination without notice and the appointment will not accrue any benefit for a post in regular Railway Service. A similar matter came-up for consideration in the case of Harish Chandra Joshi and others in O.A. No. 362 of 1991, which was allowed by us and we directed that " in case no regular appointments for the post have been made and the vacancies are existing, the respondents are directed to continue the applicants on the said posts and their cases for regularisation will also be considered, taking into consideration the fact that the applicants have been working for a particular period ". Sri Dhawan learned counsel for the applicant informs that some regularisations have also been done, but it is not necessary whereof to take notice in the same. As the whole ~~cases~~ cases fall at the same level. There are no grounds for distinguishing one with other. Accordingly, this application is also allowed in the same terms and the respondents are directed to ~~will~~ continue the applicants on the post of which they were working and their cases for regularisation will also be considered taking into consideration the fact that they have been working for a particular period. In case, no

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regular appointment against the said post have been made. With these observations, the application stands disposed of. No order as to cost.


Member (A)


Vice-Chairman

Lucknow Dated : 9.12.1992

(RKA)