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CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

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Registration O.A.No.644 of 1992

Km. Asha Singh ... Applicant.

Versus

Divisional Railway Manager(P)  
N.E. Railway, Ashok Marg Lucknow  
and another ... Respondents.

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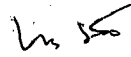
Hon. Mr. Justice U.C.Srivastava, V.C.  
Hon'ble Mr. V.K. Seth, Member (A)


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

The applicant is a duly qualified Nurse and her date of birth is 7.2.1959 as per High School Certificate of U.P.Board. She was appointed as a Staff Nurse by the respondent no. 1 on @ 4.5.1991 as Casual /Daily Wages and was posted in N.E. Railway, Hospital, Gonda and @since then he was working on the said post. On 9.12.1991 her services were extended for further six months. She had submitted a representation dated 22.3.1992 claiming that she has completed 120 days continuously on the post of Staff Nurse but she has not been given regular pay and benefits according to the rules. Her services were again extended for six months vide order dated 11.6.1992 ignoring the order dated 10.4.1992. which provides that the applicant and S mt. Kusum Rai were appointed together on temporary basis and they have completed 120 Smt. of their services. The said/Kusum Rai had also filed application to this effect which is pending. By means of this application, the applicant has

prayed that she has acquired temporary status and is entitled for all benefits described in Chapter 23 of the Indian Railway Establishment Manual and deserves to be permanently absorbed, and further the respondents be restrained to remove the applicant from the post of Staff Nurse on arrival of new candidate and she be allowed to continue in her service as Staff Nurse having the status of Temporary Railway Servants. The applicant has prayed this relief on the ground that she has completed @ 1½ years services as such, he has acquired temporary status but she has wrongly been treated as Casual staff. Although, the opportunities were given to the respondents to file written statement but they have not filed the same..

2. In view of the order dated 10.11.1992, it appears that the applicant has obtained temporary status after completion of her 120 days service, as such, there is no question to treat her as casual staff. Accordingly, the respondents are directed to re-consider the position of the applicant and in case the applicant has attained the temporary status, she may be given the benefit of the same, and her case for regularisation will also be considered, and let it be done by the respondents before making any fresh appointment on her place, who is still working. The application is disposed of with the above directions. No order as to costs.

  
Member(A)

  
Vice-Chairman

Dt: 22.4.1993

(N.J.)