

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS THE 2ND DAY OF JANUARY 1987.

Present : Hon'ble Shri Ch. Ramakrishna Rao ..... Member (J)  
Hon'ble Shri P.Srinivasan ..... Member (A)

Application No.1752/86

Smt. Villollamma,  
W/o. Devaraj, major,  
Staff Nurse (Substitute),  
Railway Medical Hospital,  
Ashokapuram,  
MYSORE.

... Applicant

(Shri H.S.Jois, Advocate)

Vs.

1. The Chairman,  
Railway Board,  
'Rail Bhavan',  
NEW DELHI.
2. The General Manager,  
Southern Railway,  
MYSORE.
3. The Divisional Railway Manager,  
(Personnel)  
MYSORE.
4. The Medical Superintendent,  
Railway Medical Hospital,  
MYSORE.

... Respondents.

(Shri A.N.Venugopal, Advocate)

The application has come up for hearing before this Tribunal today. The Member, Shri P.Srinivasan has made the following :

ORDER

The applicant is a Staff Nurse in the Railway Medical Hospital, Southern Railway, Mysore. She joined as a



substitute Staff Nurse on 19-12-1982 and has been retained in that capacity by orders passed from time to time. She has not yet been regularised in that post. Her apprehension in the application is that because she has not been regularised, her services may be terminated. She cites a letter of the Railway Board dated 19.12.84 (Annexure 'B') which states that substitutes who have completed 3 years of service may be absorbed on regular basis after proper screening by a selection committee which should include the Chairman or Member Secretary of the Railway Service Commission provided that the substitutes have the requisite qualifications and are within the age limit prescribed for direct recruitment. Her grievance is that she had completed four years of service at the time of making this application and has still not been put through the selection process and regularised. She has also cited the instance of another substitute Staff Nurse Smt. B.M.Parvathy who, according to the applicant, is junior to her, but has been regularised by an order dated 24.6.86 (Annexure 'C'). She therefore complains that she has been discriminated against by not being regularised while her junior was so regularised.

2. When the matter was called, nobody appeared for the applicant though the applicant's counsel has due notice of the hearing. We therefore decided to proceed with the matter with the assistance of Shri A.N.Venugopal, learned counsel for the respondents, who also filed the reply on behalf of the respondents today.



3. Shri Venugopal points out that the Railway Board's letter dated 19.12.84 relied upon by the applicant deals with regularisation of substitute Pharmacists and not of substitute Staff Nurses. ~~The applicant is a substitute Pharmacists and not of substitute Staff Nurses.~~ <sup>1)</sup> The applicant is a substitute Staff Nurse. He, in turn, cites two letters one dated 28.10.85 issued by the Railway Board and another dated 30.9.86 issued by the Chief Personnel Officer, Southern Railway at Madras, the substance of which is that substitute employees do not have to be automatically regularised and that in their own interest, they should apply for regular posts in response to employment notices issued by the Railway Recruitment Board from time to time. Therefore, the applicant had no right to be regularised as a matter of course and she had to take her chance of selection like others.

4. We have considered the matter carefully. Even though the Board's letter dated 19.12.84 at Annexure 'B' refers only to Pharmacists appointed as substitutes, there is no reason why the same treatment should not be accorded to substitute Staff Nurses. There is considerable force in the grievance of the applicant that after nearly four years of service as a substitute, the Railway administration has not chosen to consider her case for regularisation. Further, there is nothing to indicate in the two letters referred to by Shri Venugopal that the earlier letter of 19.12.84 at Annexure 'B' to the application has


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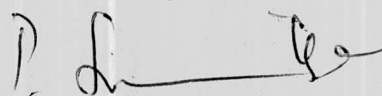
been superseded altogether. The impression gained is that in addition to clearance of substitute employees by a screening committee, such substitute employees may also apply for vacancies in response to employment notices issued by the Railway Recruitment Board. Shri Venugopal however, submitted that the application is premature in the sense that the Railway Board has not declined to consider her case for regularisation. He has clarified that Smt. B.M.Parvathy whose services have been regularised joined as a substitute Staff Nurse before the applicant i.e. on 13.6.81 and it was because of that that she has been regularised. The applicant's case for regularisation is therefore still to come up for consideration. Shri Venugopal also urges that the applicant's apprehension that her services may be terminated is not correct.

5. In view of these submissions, we would direct the respondents to take up the matter of regularisation of the applicant's services early and give her an opportunity to appear before the Screening Committee if such a committee is still in vogue. Otherwise, whatever steps are to be taken to consider her case for regularisation as per orders now holding the field, those may be taken and a decision rendered within three months of receipt of this order.

6. In the result, the application is allowed as indicated above. There will be no order as to costs.



( CH. RAMAKRISHNA RAO )  
MEMBER(J)



( P. SRINIVASAN )  
MEMBER(A)