

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: **16 FEB 1995**

APPLICATION NO: 1542 of 1994.

APPLICANTS:- Smt. Bannaramma, Mysore.

V/S.

RESPONDENTS:- The Divisional Railway Manager, Mysore and
others.,

I.

1. Sri.G.Shanthappa, Advocate for
Sri.K.O.Vijayakumar, Advocate,
Palace Loop Road, Vasanthanagar,
Bangalore-560 052.
2. Smt. M.V.Nirmala, Advocate,
No.53, N.S.Iyengar Street,
Seshadripuram, Bangalore-560 020.

Issued on
17/02/95
[Signature]

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.
--xx--

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 23rd January, 1995.

Received
for S.G.No. 1
[Signature]
gm* 17/2/95

[Signature]
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION No.1542/1994

MONDAY, THIS THE 23RD DAY OF JANUARY, 1995

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

SHRI T.V. RAMANAN .. MEMBER (A)

Smt. Bannaramma,
W/o Rangaswamy A.,
aged about 33 years,
No.78, PK Colony,
Vishweshwaranagar,
Mysore-570 008.

... Applicant

(By Advocate Shri KO Vijayakumar)

Vs.

1. The Divisional Railway Manager,
Southern Railways, Mysore Division,
Mysore.

2. The Divisional Personal Officer,
Southern Railway, Mysore Division,
Mysore.

3. The Station Master,
Nanjangud Railway Station,
Nanjangud, Mysore District.

... Respondents

(By Advocate Smt. M.V. Nirmala,
Standing counsel for the Railways)

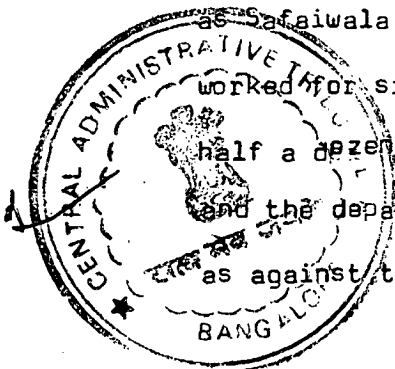
O R D E R

Shri Justice P.K. Shyamsundar, Vice Chairman:

We have heard Shri G. Shanthappa for Shri KO Vijayakumar for the applicant and also the learned standing counsel for the respondents.

The applicant seeks consideration of her claim for permanent appointment

as Safaiwala in the Railway administration on the strength of having worked for six days between 16.8.78 and 21.8.78. Her case is that some half a dozen people have been appointed in the year 1991 as per Annexure 'B' and the department should have also considered her case for appointment as against the others who were appointed. The respondents maintain in



their counter statement that all those who were appointed as Safaiwalas had put in more number of days of casual work than the applicant who had a small stint of six days. Mention is made of one Shri Rama who had put in 3000 days of work and had also been conferred temporary status. It is maintained that only in regard to people who had worked for substantial number of days, their claim for permanent absorption have been taken up and permanent status granted. It is said that the applicant who had put in only a small stint in the department and thereafter was not heard of at all cannot claim a permanent position.

2. Even otherwise, it is maintained that the applicant who is now staking a claim for permanent position by absorption after a lapse of such a long time is merely making an untenable claim. We agree. It appears, persons who had put in more number of days of work than the applicant were considered for permanent absorption and absorbed. The applicant, if not similarly treated, cannot make a grievance on the sole ground of having worked in the department for just six days and it is also not her case that she was not allowed for work for longer periods because she appears to have worked only during the absence of a regular employee who was sick. Under the circumstances, she cannot make any grievance of having been left out of consideration for grant of permanent status in the department. We do not think that it is a fit matter for admission. Accordingly, we reject this application. Shri Shanthappa says there are still three vacancies available in the department. If that is so, we may observe that if vacancies are available, we would be happy if the applicant can be considered for one such place subject to there being no better claimants for the same. Shri ^{Shanthappa}~~Shanthappa~~ says his client had been recommended by the Chief Medical Officer for permanent absorption as could be seen from Annexures 'B' and 'D'.

Standing counsel says that the applications were merely forwarded by the Chief Medical Officer and cannot be taken to be some kind of recommendation by C.M.O. We do not go into that controversy.

No costs.



Sd/-

(T.V. RAMANAN)
MEMBER (A)

Sd/-

(P.K.SHYAMSUNDAR)
VICE CHAIRMAN

TRUE COPY

Section Officer

Central Administrative Tribunal
Bangalore Bench
Bangalore

psp.