

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

T.A. No. 2429/86

Date of Decision: 17.9.92

Smt. PRABHATI DEVI

: Applicant.

Mr. M.S. Gupta

: Counsel for the applicant.

VERSUS

UNION OF INDIA & ORS

: Respondents.

Mr. U.D. Sharma

: Counsel for the respondents.

CORAM:

HON'BLE MR. B.B. MAHAJAN, ADMINISTRATIVE MEMBER

HON'BLE MR. GOPAL KRISHNA, JUDICIAL MEMBER

PER HON'BLE MR. B.B. MAHAJAN, ADMINISTRATIVE MEMBER

Smt. Prabhati Devi had filed the civil suit in the Court of Additional Munsif Magistrate, Court No. 2, Jaipur against the termination of her services by the respondents on 3.11.82. The suit has been transferred to this Tribunal U/S 29 of the Administrative Tribunals Act, 1985 and registered as T.A. No. 2429/86.

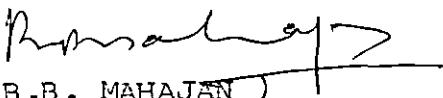
2. The applicant was appointed as part-time water woman in the P&T Dispensary at Jaipur from 16.6.74 and she worked till 3.11.82. Thereafter, her services have been terminated. The respondents have taken the plea in the reply that the applicant was a part-time contingency paid employee and her services were terminated from 3.11.82 as the services of contingency paid water woman were no longer required in the dispensary after that date. They have also stated that no person was employed in her place after her services were terminated. The applicant had not pleaded in the suit that notice and retrenchment compensation as required under Section 25-F of the I.D. Act had not been issued to her.

3. In view of the above discussions, the applicant has not been able to establish her case for quashing the impugned order of termination of her services. However, she had admittedly worked with the respondents for a period of 8 years and she had been retrenched on 3.11.82.

She would be entitled to ^{the} benefit of Section 25-H of the I.D. Act. We, therefore, direct that respondent no. 4 shall allow the applicant an opportunity of offering herself for employment against any post which may fall vacant and for which she may be eligible and is found suitable. The requirement about maximum age at the time of appointment would be dispensed with in this case as it is a case of giving benefit U/S 25-H for retrenchment. With these directions, the T.A. stands disposed of.

No orders as to costs.

C.Krishna 17.9.92
(GOPAL KRISHNA)
Judicial Member


(B.B. MAHAJAN)
Administrative Member