

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 276/91.

T.A.No.

Date of Decision : 6.1.1992

Smt. Bilquis Begum

Petitioner.

Shri N.Rammohan Rao

Advocate for the
petitioner (s)

Versus

Dy. Director, Govt. of India Health Scheme,
1-7-155, Bakaram, Hyderabad-A.P. & 3 others

Respondent.

Shri N.Bhaskar Rao, Addl. CGSC

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. R. Balasubramanian : Member(A)

THE HON'BLE MR. T. Chandrasekhar Reddy : Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

HRBS

HTCSR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.276/91.

Date of Judgment 6.1.1992.

Smt. Bilquis Begum

.. Applicant

Vs.

1. Dy. Director,
Govt. of India
Health Scheme,
1-7-155, Bakaram,
Hyderabad-A.P.
2. Director-General,
Central Government
Health Scheme,
Govt. of India,
New Delhi.
3. The Secretary,
Central Health Scheme,
Govt. of India,
Nariman Bhavan,
New Delhi.
4. The Addl. Director,
Central Government
Health Centre,
1-7-155, Bakaram,
Hyderabad-A.P.

.. Respondents

Counsel for the Applicant : Shri N.Rammohan Rao

Counsel for the Respondents : Shri N.Bhaskar Rao, Addl. CGSC

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri T.Chandrasekhar Reddy : Member(J)

[Judgment as per Hon'ble Shri R.Balasubramanian, Member(A)]

This application is filed by Smt. Bilquis Begum under section 19 of the Administrative Tribunals Act, 1985 against the Dy. Director, Govt. of India Health Scheme, 1-7-155, Bakaram, Hyderabad-A.P. & 3 others, praying for a direction to the respondents to reinstate her to the post of Pharmacist Gr.I.

2. The applicant was appointed as Pharmacist Gr.I in July, 1978 in the Office of the Chief Medical Officer, Central Government Health Scheme (C.G.H.S. for short). After her marriage she could not work and she submitted

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her resignation. [REDACTED]

Her husband died in January, 1988. A year later in January, 1989 she started representing seeking re-employment in the grade she held for a short time a decade ^{back}. By a letter dated 4.12.89, the Dy. Director, C.G.H.S. Hyderabad asked her if she was willing to be re-employed in any C.G.H.S. Office outside Hyderabad. The applicant replied the very next day expressing her willingness but in Hyderabad whenever a vacancy arose. Finally, by letter dated 21.6.90, the Addl. Director, C.G.H.S. Hyderabad informed her that there is no provision for re-employment and she could not be re-employed. Aggrieved, the applicant ^{has} approached this Tribunal with the O.A.

3. The respondents oppose the application and have filed a counter affidavit. The facts as narrated by the applicant are not disputed. It is stated ^{that} the Directorate wanted to know whether the applicant would accept re-employment outside Hyderabad and the response of the applicant was conveyed to them. The Directorate examined the case and in the absence of any provision in the rule replied the local authorities accordingly. This was, in turn, communicated to the applicant.

4. We have examined the case and heard both the sides. The applicant has served the respondents for just over a year. She tendered her resignation in January, 1980. However, when she was again compelled to seek employment, she approached the respondents in 1989. Besides the concerned authority, she approached other functionaries like the Ministers etc. The correspondence is just by way of acknowledgments of receipt and onward forwarding. There is no decision anywhere. The Directorate examined her willingness to be re-employed ^{which was} but in effect restricted to only Hyderabad whereas the Directorate wanted to know whether she was prepared to be re-employed outside Hyderabad. Anyway, when there is no provision, according to the respondents, for re-employment, such willingness or

To

1. The Deputy Director, Govt. of India,
Health Scheme, 1-7-155, Bakaram, Hyderabad-A.P.
2. The Director-General, Central Government,
Health Scheme, Govt. of India, New Delhi.
3. The Secretary, Central Health Scheme,
Govt. of India, Nariman Bhavan New Delhi.
4. The Addl. Director, Central Government Health Centre,
1-7-155, Bakaram, Hyderabad-A.P.
5. One copy to Mr. N. Rammohan Rao, Advocate, CAT. Hyd.
6. One copy to Mr. N. Bhaskar Rao, Addl. CGSC. CAT Hyd.
7. One spare copy.

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W.S. 10/11/92
9/11/92

Received
on 8/11/92
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otherwise is of no relevance. The learned counsel for the applicant argued that calling for such willingness itself has vested in the applicant a right for re-employment. We do not accept this, since merely seeking some information is no commitment. It only shows their earnestness in examining the case from many angles.

5. The learned counsel for the applicant drew our attention to the fact that the resignation was accepted nearly 9 years after it was submitted. He contended that the applicant has a right to resume service ^{because of enormous delay in the} ~~before~~ acceptance of the resignation on 4.12.89. But then, there is another aspect to this question. During the entire period, the applicant was on unauthorised absence. Moreover, the applicant has not made this an issue in any of her representations or in the O.A. even. This delay on the part of the respondents does not help her. It is plain that both the applicant and the respondents have forgotten the resignation question over 9 years. No attempt was even made to withdraw the resignation before it was accepted.

6. What now survives in the application is only compassion for the applicant who has just put in a little over one year of service more than a decade ago. In the absence of any provision in the rules for re-employment in such cases, we cannot compel the respondents to offer her re-employment. We, therefore, dismiss the case with no order as to costs. However, this disposal should not come in the way of the respondents if they want to rehabilitate the hapless applicant ~~if they want~~ in any other manner in accordance with rules.

R. Balasubramanian
(R. Balasubramanian)
Member(A).

T. Chandrasekhar Reddy
(T. Chandrasekhar Reddy)
Member(J).

Dated 6th January, 1992.

Deputy Registrar (J).
10/92

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.C.

AND

THE HON'BLE MR.

M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY (J)

DATED: 6.1.1992

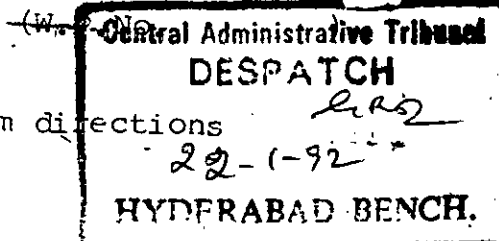
ORDER/ JUDGMENT:

M.A./R.A./C.A. No.

in

O.A.No. 276/91

T.A.No.



Admitted and Interim directions

Issued.

Allowed.

Disposed of with directions

Dismissed. ✓

Dismissed as withdrawn.

Dismissed for Default.

M.A. Ordered/Rejected

No order as to costs.