

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

318/91
O.A. No. 1304/93

Dr. of Decision : 15.6.94

Smt. R. Parvathamma

... Applicant

Vs

1. The Railway Board rep.
by the Chairman,
Railway Board, New Delhi.
2. The Chief Personnel officer,
SC Rly, Sec'bad.
3. The Sr. Divisional Personnel officer,
SC Rly, Guntakal Division,
Guntakal, A.P.
4. The Divisional Medical officer,
SC Rly, Raichur. ... Respondents

Counsel for the Applicant : Mr. Y. Suryanarayana

Counsel for the Respondents : Mr. V. Bhimanna, SC, for Rlys.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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18/91.

Date: 15-6-1994

JUDGMENT

Hon'ble Sri R.Rangarajan, Member(Administrative) (41)

Heard Sri Y.Suryanarayana, learned counsel for the applicant and Shri V.Bhimanna, learned Standing Counsel for Railway.

2. This O.A., filed on 20.3.1991 under sec.19 of the Administrative Tribunals Act, 1985, prays for a direction to the respondents to regularise the services of the applicant with all consequential benefits.

3. The applicant herein was appointed as a Substitute Pharmacist in the Guntakal Division of South Central Railway on 9.1.1987 for a period of 3 months which was extended from time to time. Her services were terminated due to non-availability of vacancies on 11.1.1989. She filed O.A.No.99/89 challenging this termination. This O.A. was disposed off by an order dt. 31.7.1989 setting aside the orders of termination as she was not given one month's notice pay as embodied in Rule-301 of the Railway Establishment Code Vol.1. Her claim for regularisation in that OA was rejected and it was held in that O.A. "that the applicant is entitled for regularisation only in accordance with rules."

4. Subsequently also, her services were terminated on 4.10.1993. Against this termination she filed an O.A. 1304/93 on 12.10.1993. In this O.A. she has given the full details of her case from her initial engagement from 9.1.19 to her retrenchment on 4.10.1993. In that O.A. also she has prayed for regularisation. All the points mentioned in the

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To

1. The Chairman, Railway Board,
New Delhi.
2. The Chief Personnel Officer, S.C.Rly, Secunderabad.
3. The Senior Divisional Personnel Officer,
S.C.Rly, Guntakal Division, Guntakal, A.P.
4. The Divisional Medical Officer, S.C.Rlys, Raichur.
5. One copy to Mr.Y.Suryanarayana, Advocate, CAT.Hyd.
6. One copy to Mr.V.Bhimanna, ^SC for Rlys, CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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O.A. have been examined in detailed manner while analysing the various contentions in O.A. No. 1304/93. On the basis of that analysis the following orders were passed in O.A. No. 1304/93.

"In the result this O.A. is dismissed as having no merit. Further her contention that she should be regularised and posted as a regular Pharmacist by Screening through a local screening committee is also rejected. However, this will not stand in the way of the respondents to consider her case for regularisation by a local screening/selection committee whenever such selection/screening procedure is ordered in future by the competent authority provided she is in substitute service at that time. Her name shall be kept in the waiting list of erstwhile retrenched Substitute Pharmacists for engaging her as Substitute Pharmacist in her turn whenever vacancies arise in future and there is need to fill the same."

5. In view of the above orders, she has to get herself regularised only through the agency of Railway Recruitment Board whenever applications are called for by them for filling up the posts of Pharmacists. However, she may also be considered for regularisation by local selection/screening committee if ordered by the competent authority, if she is in substitute service at that time. Her name should be kept in the waiting list of retrenched Pharmacists for engaging her as substitute Pharmacist in her turn whenever vacancies arise in future and there is need to fill the same.

6. With the above observation this O.A. is disposed off.
No costs.

ma
(R.Rangarajan)
Member (Admn.)

V.Neeladri Rao
(V.Neeladri Rao)
Vice Chairman

Dated 15th June, 1994.

Grh.

Deputy Registrar(S)
Deputy Registrar(S)

TMED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR.A.B.G.RTHI : MEMBER(A)

AND

THE HON'BLE MR.T.CHANDRASEKAR REDDY
MEMBER(CUDL)

AND

THE HON'BLE MR.R.RANGARAJAN : MEMBER(A)

Dated: 15-6-1994.

ORDER/JUDGMENT:

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

in

O.A.No. 318/91.

T.A.No. (W.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default:

Rejected/Ordered.

No order as to costs.

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Disbuth 29/8/94