

(28)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH  
AT HYDERABAD

D.A.No.531/92.

-TAT-NOT

Dt. of Decision: 15-1-93

Mrs. D. Florance

Petitioner

Mrs. A. Anasuya

Advocate for  
the Petitioner  
(s)

Versus

Chief Personnel Officer, S.C.Rly., Respondent.  
Headquarter's Office, Personnel Branch,  
Secunderabad.

Shri Rajeswara Rao for Shri D. Gopal Rao, SC for Raygata for  
the Respondent  
(s)

CORAM:

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

THE HON'BLE MR. C. J. Roy : Member (J)

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters 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.)

sv1/

HRBS  
M(A).

HCJR  
M(J).

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A. No. 531/92.

Date of Judgement 15-1-93

Mrs. D. Florance

.. Applicant

Vs.

Chief Personnel Officer,  
S.C.Rly.,  
Headquarter's Office,  
Personnel Branch,  
Secunderabad.

.. Respondent

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Counsel for the Applicant : Mrs. A. Anasuya

Counsel for the Respondent : Shri Rajeswara Rao for  
Shri D. Gopal Rao, SC for Rlys.

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CORAM:

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

Hon'ble Shri C. J. Roy : Member (J)

判决 as per Hon'ble Shri R. Balasubramanian, Member (A) |

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This O.A. is filed by Mrs. D. Florance against the Chief Personnel Officer, S.C.Rly., Headquarter's Office, Personnel Branch, Secunderabad seeking a direction to the respondent to regularise the services of the applicant as a Dietician in the existing vacancy in the S.C.Rly., Hospital at Lallaguda.

2. The applicant applied for a vacancy for the post of a Dietician in the S.C.Rly., on 1.7.89. After an interview she was appointed as a Dietician vide order dt. 12.1.90 of the Chief Personnel Officer, S.C.Rly., in a substitute capacity. After 120 days of continuous service vide order dt. 26.7.90 she was granted temporary status w.e.f. 20.6.90. It is her grievance that despite nearly 28 months of service she has not yet been regularised and hence this O.A.

3. The application is contested by the respondent who has filed a counter affidavit. It is pointed out that her initial appointment was only as a substitute Dietician in the absence

of a regular candidate. It is his case that the applicant was not duly selected by the Railway Recruitment Board in accordance with the recruitment rules. Her appointment on a substitute basis was to continue only till such time as a regularly selected candidate reports. In April, 1992 the Railway Recruitment Board selected a regular candidate in accordance with the recruitment rules. When the regular candidate became available, the Railways sought to terminate this arrangement under which the applicant was appointed. It is also contended that the conferment of temporary status on the applicant does not confer on her any right to regularisation. It is also pointed out that the post of Dietician being a solitary vacancy is reserved for an S.C. candidate and the Railway Recruitment Board has selected an S.C. candidate to fill the post.

4. The short point to be seen is whether the respondent appointed the applicant on a regular basis and, if so, whether ~~she~~ has followed the proper procedure before termination.

We have seen the order dt. 19.2.90 by which the applicant was appointed as a substitute Dietician. It has been clearly stated therein that her services are liable for termination on 14 days' notice on either side. It has also been made clear therein that this substitute arrangement does not confer on her any prescriptive right and that for regularisation of services she has to apply to the Railway Recruitment Board if and when advertised. It is clear that she has not been appointed as a regularly selected candidate. <sup>On the Second</sup> ~~While on this~~ point, the learned counsel for the applicant argued that the applicant had not been given 14 days notice before her services were terminated.

5. While the applicant had filed the O.A. for regularisation her services were terminated by the order dt. 25.11.92. It is her allegation that due notice had not been given to her before terminating her services. We have seen the order dt. 25.11.92. It clearly states that she shall be paid a sum equivalent to the amount of pay and allowances equal to 14 days

in lieu of the period of notice. Thus, it is clear that the respondent had given her the due notice not exactly in terms of time but in terms of pay and allowances in lieu thereof.

6. We find that the respondent had acted well within his rights and there is no illegality whatsoever in the termination order. The applicant has no right for regularisation since her initial appointment was only on a substitute basis and her services had been replaced by a regularly selected candidate. The application is dismissed with no order as to costs.

R.Balasubramanian

( R.Balasubramanian )  
Member (A).

C.J.Roy  
( C.J.Roy )  
Member (J).

V.D  
Dated: 15<sup>th</sup>  
January, 1993.

8/1/93  
Deputy Registrar (J)

To

1. The Chief Personnel Officer,  
S.C.Railway, Headquarter's Office,  
Personnel Branch, Secunderabad.
2. One copy to Mrs.A.Anasuya, Advocate,  
2-2-1130/19/5B,Prasanth Nagar, New Nallakunta, Hyd.44.
3. One copy to Mr.D.Gopal Rao, SC for Rlys, CAT.Hyd.
4. One spare copy.

*322/212*  
pvm.

*P.C.G.*