

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A. No.840/93

Date of Decision: 5.12.1996

BETWEEN

Kum. G. Padmavathi

.. Applicant

AND

1. General Manager,
South Central Railway,
Secunderabad.
2. Divisional Railway Manager,
Hyderabad (NG) Division,
Secunderabad.
3. Gazetted Head Mistress,
Railway Girls High School,
North Lallaguda, Secunderabad.

.. Respondents

.....

Counsel for the Applicant: Mr. V. Krishna Rao

Counsel for the Respondents: Mr. J.R. Gopal Rao

.....

CORAM

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

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: MEMBER (JUDL.)

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JUDGEMENT

(Oral order per Hon'ble Shri R. Rangarajan: Member (Admn.)

Heard Mr. V. Krishna Rao for the applicant and Shri Krishna Mohan for J.R. Gopal Rao for the respondents.

The applicant was appointed as a substitute physical Training Instructor in the scale of pay of Rs.1400-2600 as per the terms and conditions indicated in the appointment order. She worked as such from 27.8.92 to 23.4.93. Her substitute service was terminated before summer vacation on 24.3.93 in terms of Railway Board's letter No.E(NG) II/72-SB-4 Dt.18.2.93.

Thereafter the post was kept vacant and was filled by a regularly appointed candidate Mr. M. Ram Gopal and was posted to North Lallaguda^{School}. He reported on 27.10.93 in terms of order No.YP/594/SCH/Grd. Asst. dated 14.10.93 (Annexure R.1).

No representation has been submitted by her for retaining her in service during the summer vacation and also till posting of regular candidate. No stay order has been obtained by her when her services ^{were} ~~are~~ terminated on 24.4.93. This OA is filed to set aside the termination order of 23.4.93 Page-2 of the OA by R-3 and for consequential relief to reinstate her in service with all benefits.

In a similar case in OA No.1073/93 decided on 3.9.93 on the file of this bench it was held that "If such a ^{of the} substitute teacher who are continued during the summer vacation in 1994 in view of the vacancy position, they should not be terminated for the summer vacation in 1994." From the above it is evident that the termination impending the summer vacation should not be resorted to if there is no regularly selected candidate is posted before termination. In this case no regularly selected candidate was posted till 27.10.93. Hence in view the direction in OA 1073/93 we also feel that the applicant should not have been terminated from service impending the summer vacation of 1993 on 23.4.93. However the applicant should have approached this tribunal when that termination order was issued for staying the same. She did not resort to that. She also did not represent her case. However she cannot be denied her right for continuation till a regularly selected candidate is posted. But she cannot get any remuneration for the period as she did not work for that period on the principle of "no work no pay." She did not

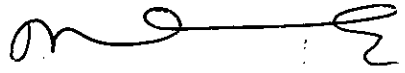
even represent her case in time. In view of the above the only direction that can be given is to ~~re~~^{her}count the period from 23.4.93 to 26.10.93 as ^{her} qualifying service for purpose of future engagement and also for considering that period as her experience in that post so as to enable her to indicate her experience in future if she applies for any post in ^{the} Railways.

In the result the following direction is given:


The period from 23.4.93 to 26.10.93 should be reckoned as qualifying service for future appointment either in temporary or permanent service ^{in railways}

The OA is ^{disposed of} ~~decided~~ accordingly. No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)


(R. RANGARAJAN)
MEMBER (ADMN.)

Date: 5TH DECEMBER 1996
Dictated in the open court


Dy. Registrar (S)

KSM

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED: 5/12/96

ORDER/JUDGEMENT

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

O.A.No. in 840/93

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
बेस/DESPATCH
18 DEC 1996
हैदराबाद ब्याचपीठ
HYDERABAD BENCH