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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 1401/93.

Dt. of Decision : 29.4.1994.

1. V. Daisy Sudha Rani
2. A. Shoba
3. J. Komaramma
4. Beera Sowbhagya Charlet
5. Mrs. K. Nagamani
6. L. Indira Naneshwar .. Applicants

Vs

1. The Divisional Personnel Officer (BG)
South Central Railway,
Sanchalan Bhavan,
Secunderabad.
2. The Divisional Railway Manager (BG)
South Central Railway,
Sanchalan Bhavan,
3. The Chief Personnel Officer,
South Central Railway,
Secunderabad. .. Respondents.

Counsel for the Applicants : Mr. M.V.K.Viswanatham

**Counsel for the Respondents : Mr. D. Francis Paul,
SC for Rlys.**

CORAM:

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

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

O.A.No.1401/93.

Date: 29.4.1994

J U D G M E N T

{ as per Hon'ble Sri R.Rangarajan, Member(Administrative) }

Heard Sri M.V.K.Viswanatham, learned counsel for the applicants and Sri D.Francis Paul, learned counsel for respondents.

2. The applicants six in number herein are Substitute Assistant Teachers working in the Schools of South Central Railway. The first applicant joined as a Substitute Teacher on 1.10.1991, 2nd applicant on 23.3.1992, 3rd applicant on 31.10.1984, 4th applicant on 16.7.1990, 5th applicant on 6.10.1990 and the last and 6th applicant worked as Hindi Pandit from 17.6.1991 to 3.10.1991 and thereafter as Substitute Assistant Teacher from 4.10.1991 to 12.2.1992 and she is presently working as a Substitute Hindi Pandit.

3. This OA has been filed praying for a direction to screen the applicants for regular absorption as per the directions contained in OA No.354/93 dt. 16.8.1993 and to extend the reliefs granted in the said O.A. as the applicants in this OA are also similarly situated.

4. Substitute Teachers who are working between 1984 to 1989 had filed O.A.No.354/93 on the file of this Bench which was disposed off on 16.8.1993 with the following directions to

- (i) To initiate action to screen all the applicants through a duly constituted screening committee.
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vacancies, either those remaining after direct recruitment in response to a notification dt. 28.2.1993, or likely

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to arise due to normal wastage upto end of next year i.e. 31st December, 1994,

- (iii) To reckon the period of service as Substitute Teachers for the purpose of pensionary benefits.
- (iv) To take into consideration the period of service rendered by the applicants, in determining the maximum age limit for the appointments, and
- (v) In the meantime the applicants shall be allowed to continue in their posts so long as they are not replaced by the regularly selected candidates and so long there are vacancies existing.

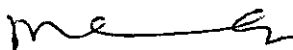
5. The learned counsel for the respondents pleaded that the applicants herein in this OA are not similarly placed as that in O.A.No.354/93. The applicants in O.A.No.354/93 were working for a long time from 8.4.1989, whereas the applicants in this OA were appointed as late as 1990 and they have not even put about 3 years of service before 16.8.1993 when OA.No.354/93 was finally disposed-of.

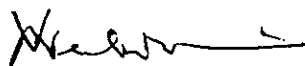
6. As indicated earlier, applicant No.3 in this OA was working from 1984 onwards, applicants No.4 & 5 are working from mid-1990, applicants 1 & 6 are working from 1991 and the 2nd applicant was appointed in March, 1992. The judgment in O.A.No.354/93 was delivered on 16.8.1993 by which time except the second applicant, all had put in more than 2½ years of service. The 2nd applicant had put in only 1½ years of service by then. Hence, it would not be proper to deny the extension of the benefits given to applicants in O.A.No.354/93 to the applicant herein. However, in view of the submission of the learned counsel for the respondents ^{it is just and proper to hold that} the benefits given to the applicants in O.A.No.354/93 may not be extended to those Substitute Teachers who have joined on ...

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7. In view of what is stated above, we follow the directions given in O.A.No.354/93 and direct the respondents not to terminate the services of the applicants till they are replaced by a teacher selected in pursuance of the recruitment as per rules and also direct them to consider the applicants for regularisation in the remaining existing vacancies and also in the vacancies that may arise upto 31.12.1994.

8. The O.A. is ordered accordingly. No costs.


(R.Rangarajan)
Member (Admn.)


(V.Neeladri Rao)
Vice Chairman

Dated 29th April, 1994.


Deputy Registrar(J)CC

To.

1. The Divisional Personnel Officer(BG) S.C.Rly,
Sanchalan Bhavan, Secunderabad.
2. The Divisional Railway Manager(BG)
S.C.Rly, Sanchalan Bhavan, Secunderabad.
3. The Chief Personnel Officer, S.C.Rly.
Railnilayam, Secunderabad.
4. One copy to Mr.M.v.K.viswanatham, Advocate
Advocates' Association, High Court of A.P. Hyderabad.
5. One copy to Mr.D.Francis Paul, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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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. GORTHI : MEMBER (AD)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

Dated: 29-4-1994

~~ORDER~~ JUDGMENT

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

in

O.A.No. 1401/93.

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.

