

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD



DA 1397/93,

Dt. of Order: 10-11-93.

1. S.Sakhunthala Devi
2. B.R.Suhasini
3. Smt.Afsarjehan

....Applicants

Vs.

1. The Divisional Rlys Manager,
(Personnel Branch), SC Rlys,
Vijayawada, Krishna District.
2. The Chief Personnel Officer,
S.C.Rlys, Sec'bad.
3. The Divisional Personnel Officer
(Co-ord), S.C.Rlys, Vijayawada.

....Respondents

Counsel for the applicants : Shri M.V.K.Vishvanatham

Counsel for the Respondents : Shri N.R.Devraj, SC for Rlys

CORAM:

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

THE HON'BLE SHRI A.B.GORTHI : MEMBER (A)

* * *

...2.

3. Heard the learned counsel for the applicants, Shri MVK Vishwanatham and the learned Senior Standing Counsel for the respondents Shri N.R.Devaraj.

4. It is manifest from the Judgment dated 16.8.1993 in OA 354/93 that the Substitute Teachers should be allowed to ~~be~~ continue~~d~~ if the vacancies exist even after the candidates selected by the Railway Recruitment Board are appointed and the Substitute Teachers have to be considered for absorption in the vacancies that may arise upto 31.12.1994. It is admitted even for the respondents that a vacancy for the post of Telugu Pandit Grade-II exists in Vijayawada Division even after the candidate selected by the Railway Recruitment Board was posted. Ofcourse, the order dated 16.8.1993 in OA 354/93 does not indicate as to whether the regularly selected candidates have to be posted only in the vacancies that exist or whether they can be posted in posts where Substitute Teachers/Assistant Teachers are working, and if regular candidates are posted in the places where Substitute Teachers/Assistant Teachers are working, latter ^{has} ~~has~~ to be transferred to the places where the vacanc~~ies~~ ^{ies} exist. We feel that the Substitute Teacher cannot claim preference to the regular teacher in regard to the place of posting. So, it is open to the administration to ~~post~~ post regularly selected Teachers/Assistant Teachers even in places where Substitute Teachers/Assistant Teachers are working, and the latter be posted where the vacanc~~ies~~ ^{ies} exist, if it is in the of administration. Hence, the order appointing the selected candidate as Grade-II Telugu Pandit in the Mixed High School, English Medium at Rajahmundry is held as against the order in OA 354/93. But it

JUDGMENT

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

The 1st applicant was Substitute Teacher Grade-II (Telugu Pandit) in the Railway Mixed High School (English Medium), Rajahmundry, while the applicant No.2 is the Assistant Substitute/Teacher in the same school at Rajahmundry and the 3rd applicant is the Substitute Assistant Teacher in the Railway Mixed High School (EM), Vijayawada. This OA was filed praying for a direction to ~~the~~ the respondents to screen the applicants for regular absorption as per the directions contained in the order dated 16.8.1993 in OA 354/93 on the file of this Bench and for a declaration that the action of the respondents in terminating their services when clear vacancies exist, is arbitrary and illegal and consequently ~~to~~ to set-aside the order dated 29.10.1993 terminating their services.

2. Reply dated 7.11.1993 was filed by the Assistant Personnel Officer in the office of the 1st respondent.

~~in~~ There~~it~~ it is stated that the services of the applicants 2 and 3 are not terminated. It is further stated that the ~~the~~ services of the 1st applicant as Telugu Pandit Grade-II in the school at Rajahmundry are terminated when a regular candidate selected by the Railway Recruitment Board was posted there as Grade-II Telugu Pandit. It is ~~further~~ ^{also} stated therein that when there is a vacancy of Grade-II Telugu Pandit in the Railway School at Satyanarayananapuram, Vijayawada, the 1st applicant was reappointed as Telugu Pandit Grade-II on a pay of Rs.1200/- in the pay scale of Rs.1200-2040 as per the order dated 5.11.1993 issued by the Divisional Personnel Officer, Vijayawada-cum-Manager & Correspondent, Railway Schools.

contd....

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prior to 7.11.1993, they may approach this Tribunal for directions by filing M.A.

7. OA is ordered accordingly at the admission stage.
No costs.

CERTIFIED TO BE TRUE COPY

Date.....

Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

10/11/93

1. The Divisional Railway Manager, (Personnel Branch), S.C.Rlys, Vijayawada, Krishna Dist.
2. The Chief Personnel Officer, S.C.Rlys, Secunderabad.
3. The Divisional Personnel Officer (Co-ord), S.C.Rlys Vijayawada.
4. One copy to Mr. M. V. K. Vishvanatham, Advocate "SINDHU" 8-3-678/69, Bragati Nagar, Yousufguda, Hyd.
5. One copy to Mr. N. R. Devraj, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm

Case Number.....	OK - 1
Date of Judgement.....	10/11/93
Copy made ready on.....	

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Pugr