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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NOS. 1072 of 1993
AND
1073 of 1993

DATE OF JUDGMENT: 3rd September, 1993.

BETWEEN:

OA 1073/93

1. Ms. K. Padmini
2. Mrs. K. Savitri
3. Mrs. RVSM Lakshmi

Applicants

AND

1. The Divisional Railway Manager,
Hyderabad (MG) Division,
Hyderabad Secunderabad.
2. The Gaz. Head Master,
Railway Mixed High School,
South Lallaguda,
Secunderabad.

Respondents

OA 1072 of 1993

1. Ms. G. Chamundeswara Bai
2. Mr. K. Narsimhulu

Applicants

AND

1. The Divisional Railway Manager,
Hyderabad (MG) Division,
South Central Railway,
Secunderabad-371.
2. The Headmaster,
Railway Upper Primary School,
Nizamabad.

Respondents

HEARD:

COUNSEL FOR THE APPLICANTS: Mr. V. Krishna Rao, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. J. R. Gopala Rao, SC for Rlys.

CORAM:

HON'BLE SHRI JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER (ADMN.)

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CONTD....

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JUDGMENT

(As per Hon'ble Shri Justice V.Neeladri Rao, Vice Chairman)

The applicants in both these OAs are working as Substitute Teachers in the schools under the control of the Divisional Railway Manager, South Central Railway, Hyderabad. They were removed from service by the order dated 22.4.1993 at the time of the commencement of the summer recess and they were re-employed after the schools were opened after the summer vacation. These OAs are filed praying for setting aside the orders of termination dated 22.4.1993 and for all consequential benefits including continuing the applicants in service without disturbance.

2. Thus, one of the reliefs claimed is for salary for the period of summer vacation. It is true that the Supreme Court ~~depri~~ cated the practice of terminating of Teachers at the commencement of the summer vacation and again reengaging them after the schools are opened instead of continuing them even ~~for the period of vacation. The stay of the Supreme Court was to that effect~~ ^{ed} ~~there~~ long before 22.4.1993, the date of the impugned orders. If the applicants approach this Tribunal shortly after the orders of termination were received, then this Tribunal would have passed appropriate orders in the light of the judgment of the Supreme Court. But, having waited till after the entire vacation is over and after enjoying the vacation, the applicants had come up with these OAs. The principle, 'no pay, no work' is applicable in view of the laches on the part of the applicants in the delay in approaching the Tribunal. Hence, we feel that it is not just and proper to grant the relief of pay for the period of summer vacation in 1993.

contd....

P/r J/w

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3. We already held in OA 354/93 by the Judgment dated 16.8.1993 that Substitute Teachers are liable to be replaced by the Teachers selected in pursuance of the recruitment as per the rules in regard to which the process is already initiated. But, we also held therein that the Substitute Teachers have to be considered for the remaining existing vacancies and also for the vacancies that may arise upto 31.12.1994. If such of the Substitute Teachers who may be continued by the commencement of the summer vacation in 1994 in view of the vacancy position, they should not be terminated for the summer vacation in 1994.

4. The OAs are ordered accordingly at the admission stage.

No costs.

(Dictated in the open Court).

P. J. Rao

(P.T.THIRUVENGADAM)
MEMBER (ADMN.)

V. Neeladri Rao
VICE CHAIRMAN

DATED: 3rd September, 1993.


Deputy Registrar

vsn

To

1. The Divisional Railway Manager,
Hyderabad (MG) Division, Secunderabad
2. The Gaz. Head Master, Railway Mixed High School,
South Lallaguda, Secunderabad.
3. The Head Master, Railway Upper Primary School, Nizamabad.
4. One copy to Mr.V.Krishna Rao, Advocate, CAT.Hyd.
5. One copy to Mr.J.R.Gopala Rao, SC for Rlys. CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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13/9/1993

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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.GORTHY : MEMBER (A)

AND

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

AND

THE HON'BLE MR.P.T.TIRUVENGADAM:M(A)

Dated: 3 - 9 - 1993

ORDER/JUDGMENT:

M.A/R.A/C.A.N.

in

O.A.No. 1072 & 1073/93.

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.

