

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.34/96

DATE OF ORDER : 29-08-1997

Between :-

Smt.Lakshmi Bai

... Applicant

And

1. Union of India,
rep. by its Secretary,
M/o Defence, Sena Chavan,
New Delhi-110 011.
2. Director Assistant &
Director of Medical Services,
Head Quarters, Andhra, Tamil Nadu,
Marnataka & K.Araa, Island Grounds,
Madras-600 009.
3. The Commandant,
HQ South Comd (med),
Pune - 1.
4. Senior Executive Medical Officer,
Family Welfare Centre,
C/o Military Hospital,
Golconda.

... Respondents

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Counsel for the Applicant : Shri K.Sudhakar Reddy

Counsel for the Respondents : Shri K.Bhaskar Rao, CGSC

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CORAM:

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

Heard Sri K.Sudhakar Reddy, counsel for the applicant and Shri Kola Bhaskar Rao, learned standing counsel for the respondents.

2. The applicant in this C.A. was engaged as a Sweeper on a honorarium of Rs.40/- per month by letter No.727/1/M-3/28 dt.13-12-1983 (Annexure A-I page-6 to the OA) in the Office of Family Welfare Centre, C/o Military Hospital, Golconda, Hyderabad. It is stated that the applicant is working satisfactorily in that part-time job. Eventhough more than 12 years are over at the time of filing this C.A., the applicant was not regularised in a suitable post in Group-D such as Sweeper or in an equivalent post. Her honorarium was raised and she is not getting Rs.300/- per month. The applicant submits that she had represented her case for posting against a regular post. Her case was also recommended for regularisation against the 8 vacancies of Ward Sahayikas ~~xxx~~ ~~xxx~~ by letter dt.24-2-93 (Annexure A-III to OA) but no action was taken on that recommendation. The Lady Medical Officer, In-charge of Family Welfare Centre, Golconda has also recommended applicant's case for regularisation against a regular post by letter dt.6-2-93 (Annexure A-IV to OA). It is stated that the applicant's representations dt.18-11-92 and 4-2-93 were not replied by the respondents so far.

3. This C.A. is filed praying for a direction to the respondents to regularise her services in the post of Sweeper with effect from 13-12-85, the date when she completed her probation

in terms of her appointment letter dt.13-12-1983 and treat her as regular defence employee and fix her in payscale given to the regular employees with all correspondent benefits.

4. A reply has been filed in this C.A. The respondents submit that there are no posts of Sweeper in the Family Welfare Centre, Military Hospital, Golkonda and as there is ban, the posts could not be created. The applicant's honorarium was raised from time to time and she is working only from 8.00 am to 9.00 am daily and beyond that she is free to work else where to earn her livelihood. It is further stated in the counter that if the applicant is/ not satisfied, she may get herself discharged by giving a month's notice.

5. The applicant has worked as Sweeper ~~as~~ from 1983 onwards. Hence it is too much to presume that there is no work for creation of posts. Even if there is ban, some surplus posts can be transferred here. As the applicant has put in about 14 years of part time service, her case cannot be kept undecided. A favourable decision need be taken in her case. It is further stated that she is an SC candidate. Hence there should not be any difficulty to absorb her against the reserved post considering her long service in the Military Hospital.

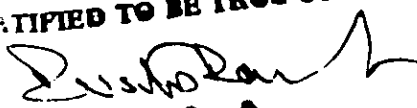
6. Considering the above circumstances, the following direction is given :-

The case of the applicant for regularisation against the post of Sweeper or in an equivalent post in Family Welfare Centre, Golkonda or else where under Respondent No.4 should be examined and a favourable decision be taken if found otherwise fit.

7. Time for compliance is four months from the date of

receipt of a copy of this order. Original Application is
ordered accordingly. No order as to costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY


न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH

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3. In view of the above, it appears that the respondents are taking humanitarian view in the case of the applicant. Unless the vacancy is released the respondents organisation cannot post her. Hence, noting the ^{content} ~~contentions~~ in the letter dated 9-10-97, the CP is closed. But the respondents are directed to expedite their action ^{so that} ~~for~~ the applicant ^{may} ~~to~~ get relief shortly.

5. With the above observation, the CP is closed. No costs.

न्यायालय अधिकारी
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१. नाम
 २. पता
 ३. जिला
 ४. तहसील
 ५. पोस्टाधिकारी का नाम
 ६. दिनांक
 ७. कोपी नं. १०/१०/१०
 ८. १
 ९. प्रमाणित अधिकारी (न्यायिक) उप रजिस्ट्रार (न्यायिक)
 Section Officer (J)/Dy. Registrar (J)