

46

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.578/99 &
O.A.No.601/99.

Dt. of Decision : 20-7-99

D.Vallimma

..Applicant in
OA.578/99.

Smt.N.Aruna

..Applicant in
OA.601/99

Vs

1. The Divl.Railway Manager,
Hyderabad Division, SC Rly,
Sec'bad-500 071,
2. The Sr.Divl.Personnel Officer,
Hyderabad Division, SC Rly,
Sec'bad-500 071.
3. The Chief Personnel Officer,
SC Rly, Rail Nilayam,
Sec'bad-500 071.

..Respondent in
both the OAs.

Counsel for the applicant

: Mr.S.Ramakrishna Rao
for OA.578/99

Mr.M.Veeresham
for O.A.601/99

Counsel for the respondents

: Mr.D.F.Paul, SC for Rlys,
for both the OAs.

CORAM:-

THE HON'BLE JUSTICE SHRI D.H.NASIR : VICE CHAIRMAN

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (ADMN.)

ORDER

ORAL ORDER (PER HON.SHRI H.RAJENDRA PRASAD : MEMBER (A))

Heard Mr.S.Ramakrishna Rao, Learned Counsel for
the Applicant in OA.578/99, Mr.M.Veeresham, Learned counsel
for the Applicant in OA.601/99 and Mr.D.F.Paul, Learned
counsel for the Respondents in both cases.

Sd/-
20/7

..2/-

2. The Applicants were appointed as Substitute Assistant Teachers in terms of the Railway Board's instructions contained in Annexures R-I and R-VI to the counter-affidavit in OA.578/99 and R-I and R-V in OA.601/99. They had rendered few months of service in the said capacity at the time of the filing of these OAs. A fresh Employment Notice No.HYD/01/98/SC has now been issued inviting applications from eligible candidates for recruitment to the post of Trained Graduate Teachers. The Applicants are aggrieved that despite their empanelment as Substitute Assistant Teachers no action has been taken to regularise their services in the posts and against the vacancies in which they ^{had been} working. Some time after the initial appointment the services of the Applicants were terminated, but they were re-engaged subsequently and were continuing as Substitute Assistant Teachers at the time of filing these OAs. The OAs have been filed with a prayer for a direction to the Respondents to regularise the services of the Applicants in any of the existing SC/OBC vacancies taking into consideration ^{the} length of service already put in by them.

No interim order, though prayed for, was passed.

3. The Applicants rely on certain observations of this Tribunal in OA.354/93, OA.1067/93, OA.1072/93, OA.1073/93, OA.1077/93 and OA.225/98. On a perusal of the orders passed in these OAs, it is seen that OA.225/98 was filed with a prayer that the applicant therein should not be discharged during the summer vacation, and that his case should be considered for regularisation in the vacancies available at that point of time or in future, and that he

8/17

should be continued till he was regularised. The OA was disposed of with a direction as under:-

"(a) The applicant should be continued without discharging him during the summer vacation till such time a S.T. candidate is postd either by promotion or by direct recruitment.

(b) If in the meanwhile regularisation of his services on the basis of his eligibility as per the rules is permissible, then the applicant shall be continued and considered for regularisation on that basis."

In OA.354/93 it was held that the candidates regularly selected by the process of selection (which had already been initiated by the Railways) will have to be given precedence in appointment and the services of the Substitute Teachers may have to be terminated if there were no vacancies to continue them. It was, however, also directed that the Substitute Teachers should be screened for regularisation against any balance of the then existing vacancies as well as vacancies that would arise upto the end of 1994. OAs.1072/93 and OA.1073/93 were disposed of on the same basis. OA.1067/93 also followed the logic of the earlier cases and similar direction were issued.

It is thus seen that whereas the OAs filed earlier were against the proposed termination during summer vacation, the present OAs have been filed with the prayer only to regularise their services. With the process of selection initiated by the Employment Notice dated 21-11-98, coming to completion, the applicants apprehend that they would be replaced.

4. The directions issued earlier in similar cases are comprehensive and need no amplification or change. It is directed that if the Applicants in these OAs were eligible for regular selection as per the rules, they would have to be considered for the same. If the applicants had:

Sd/-
21/1

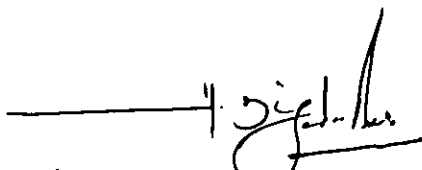
offered their candidatures for appointment to the vacancies notified on 21-11-98, and were found eligible for selection and empanelment as per rules, and in accordance with merit, then automatically they have to be appointed on regular basis. If they were not so selected, their empanelment and appointment as Substitute Assistant Teachers shall continue on the same terms and conditions as spelt out in the earlier judgements. It will be understood that regularly selected candidates shall have the preference and precedence over the Applicants who were empanelled only as Substitutes. If no suitable SC/OBC candidates are found eligible for regular selection, the present Applicants, if still continuing as Substitute Assistant Teachers, shall be allowed to so continue until a suitable candidate from the respective community is selected for regular appointment.


5. Thus, the OAs are disposed of in terms of the ^{above} ~~own~~ order. No costs.

SPR

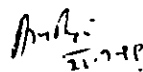
offered their candidatures for appointment to the vacancies notified on 21-11-98, and were found eligible for selection and empanelment as per rules, and in accordance with merit, then automatically they have to be appointed on regular basis. If they were not so selected, their empanelment and appointment as Substitute Assistant Teachers shall continue on the same terms and conditions as spelt out in the earlier judgements. It will be understood that regularly selected candidates shall have the preference and precedence over the Applicants who were empanelled only as Substitutes. If no suitable SC/OBC candidates are found eligible for regular selection, the present Applicants, if still continuing as Substitute Assistant Teachers, shall be allowed to so continue until a suitable candidate from the respective community is selected for regular appointment.

5. Thus, the OAs are disposed of in terms of the ^{above}~~own~~ order. No costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)


(D. H. NASIR)
VICE CHAIRMAN

Dated : The 20-7-1999.


21.7.99

SPR

1st AND 11th COURT.

COPY TO -

1. HON'BLE

2. HHRP M(A)

3. HBS J M(J)

4. D.R. (A)

5. SPARE

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD
MEMBER (ADMIN)

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMIN)

THE HON'BLE MR. D. S. JAI PARAMESHWAR
MEMBER (JUDL)

ORDER: Date. 20-7-99

ORDER / JUDGMENT

MA./RA./CP.NO
IN

DA.NO. 578/99 & OA 60/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

- 2 AUG 1999

हैदराबाद न्यायपीठ
HYDERABAD BENCH