

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR

C.A.No.90/94

Dt. of order: 1.3.94

Smt.Kamlesh Jain & Anr. : Applicants

Vs.

Union of India & Anr. : Respondents

Mr.Rajvir Sharma : Counsel for applicants

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P.Sharma, Member(Adm.).

PER HON'BLE MR.GOPAL KRISHNA, MEMBER(JUDL.).

Smt.Kamlesh Jain and Smt.Asha Mishra, have moved this application under Sec.19 of the Administrative Tribunals Act, 1985, praying that the respondents be directed to cancel the impugned order dated 27.1.94 (Annx.A-1) by which ~~the~~ applications were invited from the substitute Assistant ^{Primary} Teachers scale Rs.1200-2040(RP) and the Railway Recruitment Board is to prepare a panel by selection for the post of Asstt.Primary Teachers. The applicants have also prayed that the respondents be directed to regularise the applicants' services on the post of Substitute Teacher by the same mode of screening which was adopted in the case of Smt.Girija Mehara. They have further prayed for regularisation w.e.f. the date of initial appointment and for counting their entire service for the purposes of seniority and pay fixation etc. They have also prayed for a direction restraining the respondents ~~to~~ ^{not from compelling} the applicants for the special selection vide Annx.A-1.

2. We have heard the learned counsel for the applicants and perused the records.

3. Applicants Smt.Kamlesh Jain and Smt.Asha Mishra, were appointed as Substitute Teachers in the Railway School, Kota on 22.9.80 and 9.3.80 respectively. They were granted temporary status vide order dated 27.12.80. The applicants claim that they are well qualified for the post and their services were to be regularised. The applicants have already passed the E.S. test vide Annx.A-3. The contention of the ..2.

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applicants is that after having completed 3 years service, their services should have been regularised by way of screening as has been done in the case of others. When a selection was held by the Selection Board constituted by the respondents vide order dated 13.9.83, the applicants had to file a Writ Petition in the Hon'ble Rajasthan High Court in regard to their grievance and the same was transferred to this Tribunal and registered as T.A.No.163/92 which was disposed of by an order dated 30.11.93 (Annx.A-11). In the aforesaid T.A. a Bench of this Tribunal had issued the following directions:

- "i) The respondents are directed to equate with Smt. Girja Mehra with the applicants in the matter of regularisation as the applicants stand on better footings being the appointee of the year 1980 on account of length of service. However, other points will be considered by the respondents i.e. merit and the mode of selection etc. In other words, whatever mode of regularisation was adopted in the case of Smt. Girja Mehra should also be adopted in the cases of the applicants.
- ii) The respondents shall also take into consideration whether it is desirable to continue the services of the applicants or not, if these are to be continued, regularise the services of the applicants taking into consideration the length of their service.
- iii) The T.A. is disposed of with no order as to costs.
- iv) The respondents should decide the matter within six months from the date of receipt of a copy of this order and take necessary action according to law.
11. The respondents may adopt mode which may be just and proper which is equitable and does not take away the rights of equality in the facts and circumstances of the case."

4. We, therefore, dispose of this application with the direction to the respondents to dispose of the representation made by the applicants through a detailed order on merit, keeping in view the decision rendered by a Bench of this Tribunal on 30.11.93 in T.A.No.163/92, Smt. Kamlesh Jain & Ors. Vs. Union of India & Ors, within a month of the receipt of a copy of this order. However, the applicant shall be at liberty to file a fresh O.A. after a decision is taken on their representations.

(O.F.Sharma)
Member(A).

Gopalkrishna
(Gopal Krishna)
Member(J).