

(15)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

O.A. No. 264/94
T.A. No.

199

DATE OF DECISION 27/1/2020

Smt. Prem Kumari Solanki

Petitioner

Mr. P. V. Calla

Advocate for the Petitioner (s)

Versus

U O I & Ors

Respondent

Mr. M. Rafiq

Advocate for the Respondent (s)

Mr. Azgar Khan


CORAM :

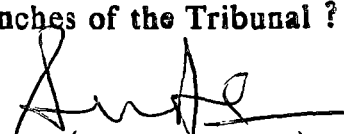
1.

The Hon'ble Mr. S.K. Agarwal, Member (Judicial)

The Hon'ble Mr. N.P. Nawani, Member (Administrative)

1. Whether Reporters of local papers may be allowed to see the Judgement? No
2. To be referred to the Reporter or not? yes
3. Whether their Lordships wish to see the fair copy of the Judgement? yes
4. Whether it needs to be circulated to other Benches of the Tribunal? No


(N.P. Nawani)
Member (A).


(S.K. Agarwal)
Member (J).

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.264/94

DATED: 27/1/2000

Smt.Prem Kumari Solariki, W/o Shri S.S.Solanki, R/o House No.1010, Bheenganj Mandi, Daowara, Kota, presently posted as Substitute Teacher, Rly.School, Kota.

...Applicant.

Vs.

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager(E), Western Railway, Kota.
3. Rly Recruitment Board through its Charman, W.Rly, Ajmer.
4. Sr.Divisional Personnel Officer, Ex-official President, Railway school, Kota Division, W.Rly, Kota.

...Respondents.

Mr.P.V.Calla - Counsel for the applicant

Mr.M.Rafiq)- Counsel for respondents.

Mr.Azgar Khan)

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to quash and set aside the orders at Annx.A1 and A2, so far as the applicant is concerned and the respondents be directed to regularise the services of the applicant on the basis of the screening test which may be conducted at Divisional level. There is a further prayer to restrain the respondents not to ask the applicant to appear in the sub-selection test conducted by the Rly. Recruitment Board and to consider the case of the applicant in the same manner in which respondent No.4 has considered the case of Smt.Shyam Sumari Sharma and Smt.Girja Mehra.

2. Facts of the case as stated by the applicant are that the applicant was initially appointed as substitute Teacher on 22.8.79. Since then she is continuously working on the post but the services of the applicant have not been regularised. It is stated that the respondents have regularised the services of Smt.Girja Mehra who was appointed as Substitute Teacher subsequent to the applicant. It is also stated that Smt.Kamlesh Jain was also appointed as substitute teacher but was raised her grievance for regularisation and directions were issued to regularise her services after screening test. The case of the applicant is also para materia with the case of Smt.Kamlesh Jain and Smt.Girja Mehra. Therefore, the

applicant filed this O.A for the relief as mentioned above.

3. Reply was filed. It is stated that the applicant has no right to be regularised unless she is screened and the case of the applicant is distinguishable with the case of Smt.Kamlesh Jain and Smt.Girja Mehra. Therefore, the applicant has no case for interference by the Tribunal and this O.A is devoid of any merit and thus liable to be dismissed.

4. Heard the learned counsel for the parties and also perused the whole record.

5. The learned counsel for the applicant has argued that the case of the applicant is para-materia with the order passed in O.A No.823/92, Smt.Geeta Saxena & Ors Vs. UOI & Ors decided on 18.4.94 and O.A No.80/94, Smt Kamlesh Jain & Anr. Vs. UOI & Ors decided on 1.3.94.

6. We have given anxious considerations to the order passed in the aforementioned O.As. The learned counsel for the respondents did not controvert the arguments of the learned counsel for the applicant.


7. It is a settled principle of law that similarly placed persons should be given similar treatment, meaning thereby two sets of similarly placed group should be given the same relief by the Court. In Kamlakar & Ors Vs. UOI & Ors, 1999(3) SLJ SC 307, Hon'ble Supreme Court has held that it was not proper to treat similarly placed group differently.

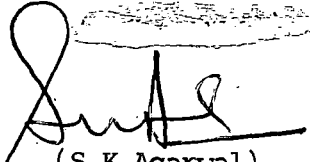
8. The learned counsel for the applicant has made a clear cut assertion that the relief of regularisation has already been given to Smt.Girja Mehra and Smt.Kamlesh Jain and so many others and the applicant is also para-materia with the case of the aforesaid substitute teachers who have already been regularised, therefore, the applicant is also required to be treated as similarly placed person.

9. We, accordingly declare that the applicant is entitled to be considered for regularisation and other benefits which the respondents had granted to Smt.Kamlesh Jain and Smt.Girja Mehra.

10. We, therefore, allow this O.A and direct the respondents to consider the case of regularisation of the applicant in service with other consequential benefits in para-materia with the case of Smt.Kamlesh Jain and Anr, O.A No.80/94 decided on 1.3.94 and Smt.Geeta Saxena & Ors, O.A No.823/92 decided on 18.4.94. The whole exercise must be completed within a period of 3 months from the date of receipt of a copy of this order.

11. No order as to costs.


(N.P.Nawani)
Member(A).


(S.K.Agarwal)
Member (J).