

Central Administrative Tribunal  
Jabalpur Bench

OA No.1083/04

Indore, this the 17<sup>th</sup> day of August 2005.

C O R A M

Hon'ble Mr. M.P.Singh, Vice Chairman  
Hon'ble Mr. Madan Mohan, Judicial Member

Smt. Vimla Sharma  
W/o Shri Laxmi Narayan  
R/o RBI 203, GH West Railway Colony  
Bina, Working as Honorary Teacher  
Railway Primary School, Bina. Applicant

(By advocate None)

Versus

1. Union of India through  
Secretary  
Ministry of Railways  
New Delhi.
2. General manager  
Railway Zone  
Jabalpur
3. Divisional Railway Manager  
Bhopal
4. Senior Divisional Personnel Manager  
Bhopal division  
Bhopal.
5. President  
Railway Primary  
School  
Bina Respondents.

(By advocate Shri M.N.Banerjee)

O R D E R

By Madan Mohan, Judicial Member



By filing this OA, the applicant has sought the following directions:

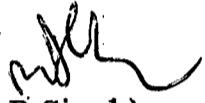
- (i) Direct the respondents to consider the case of the applicant for regularization as Assistant Teacher in respondent No.5's school and pay her regular salary of the post.
2. The brief facts of the case are the applicant is working under respondent No.5 since 1.7.1978. Though respondent No.2 enquired about the substitute teachers, respondent No.5 informed that there is no substitute teacher falsely. The applicant has been appointed as Supervisor in Local Examination and she has been issued certificate of work. Therefore, she represented for regularization. Vide letter-dated 29.10.1998, the DRM, Bhopal informed her that she has become overaged. The applicant again represented for her regularization but without result. She is entitled to be regularized in permanent service as Assistant Teacher. Hence this OA is filed.
3. None for the applicant. Hence the provisions of Rule 15 of CAT (Procedure) Rules, 1987 are invoked.
4. Heard learned counsel for respondents who argued that the applicant has been engaged and worked as Honorary teacher in Hindi medium Primary School at Bina (West) from 1978 with gaps. However, as and when any regular teacher was on sick or leave, the applicant was also asked to work as substitute teacher. Vide letter dated 21.12.1989, the CPO (Wel) BBVT sought information regarding working of the applicant as substitute teacher for screening for the purpose of regularization. The upper age limit was 40 years. The applicant could not be considered as she was of the age of 42 years and 3 months at the relevant time and even by adjusting her working as substitute teacher period. As such she being over aged was not eligible to be considered for screening. Hence the action of the respondents is perfectly legal and justified. The OA deserves to be dismissed.



5. After hearing the learned counsel for the respondents and perusing the records, we find that the argument advanced on behalf of the respondents that as and when any regular teacher was sick or on leave, the applicant was asked to work as a substitute teacher. She has never continuously worked as a substitute teacher. The applicant does not controvert this fact by filing any rejoinder. Admittedly the applicant has crossed the age of 40 years. The applicant does not fulfill the conditions required according to the rules.

6. After considering all facts and circumstances of the case, we find that the OA has no merit. Accordingly, the OA is dismissed. No costs.

  
(Madan Mohan)  
Judicial Member

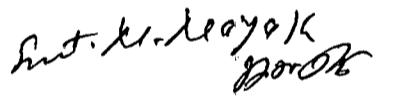
  
(M.P. Singh)  
Vice Chairman

aa.

कृतांकन सं. ओ/जन..... जयलालपुर, दि.....  
प्रतिदिव्यि नामे निम्न:—

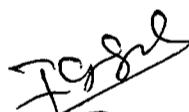
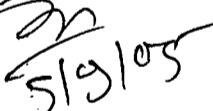
- (1) सवित्र, उच्च व्यापार कर एकोसिएचन, जयलालपुर
- (2) आदेता श्री/श्रीमती/कु. .... के काउंसल
- (3) पर्यायी श्री/श्रीमती/कु. .... के काउंसल
- (4) चंद्रपाल, योग्या, जयलालपुर व्यापारी हेतु

सूचिता एवं आवश्यक कार्यवाही हेतु

  
M.P. Singh  
  
M.P. Singh

उप रजिस्ट्रर

5-9-05

  
  
5/9/05