

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Tuesday 4th day of December Two Thousand And Eighteen

PRESENT:
THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A. 310/959/2015

D. Mariammal,
D/o. Devadass,
No. 341/4, Bothal Nagar,
Ukkirankottai,
Tirunvelveli District,
PIN- 627 202.Applicant

(By Advocate: Mr. R. Malaichamy)

Versus

1. Union of India,
Rep. by the Senior Superintendent of Post Offices,
Tirunvelveli Division,
Tirunelveli- 627 002;
2. The Medical Officer and I/c of
Postal Dispensary,
Tirunelveli- 627 001;
3. Sri Muthuraman,
Lab Technician,
O/o. The Medical Officer, I/C,
Postal Dispensary,
Tirunelveli- 627 001.

...Respondents

(By Advocate: M/s. Shakila Anand)

O R A L O R D E R

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. This OA is filed by the applicant seeking the following reliefs:-

"to call for the records of the 2nd respondent pertaining to his order made in No. Disp/CLR/2013-2014 dated 04.03.2014 in so far as it concerned with termination of the applicant from service, consequent to

ii) Direct the respondents 1 and 2 to regularize the service of the applicant as Lab Technician with all attendant benefits."

2. The grievance of the applicant as submitted by her is that she was appointed as short duty Lab Technician on a leave vacancy on 1.09.1989 and continued to work against leave vacancies till date. The regular incumbent on the post retired from service on 31.5.2013 and no replacement has been made on the said post so far on regular basis. On the other hand, the applicant was working against the said vacancy since then. However, by the impugned Annexure-A/7 order dated 4.3.2014, the services of the applicant were terminated and she was asked to attend duty for three days only on Monday, Tuesday, Friday in a week. It is alleged that the 3rd respondent has been deployed for duty on the other three days i.e. on Wednesday, Thursday and Saturday. Between the two of them, the applicant allegedly had a stronger claim for regularization.

3. Learned counsel for the respondents would submit that although the applicant was appointed after obtaining a nomination from the employment exchange, she was engaged in leave vacancies only and, as such, she had no claim for regularization. The recruitment rules do not provide for regularization of persons on short terms engagement who have worked on leave vacancies. The respondents are now in the process of filling up the isolated post on a regular basis.

4. On perusal, it is seen that neither side has produced a copy of the recruitment rules pertaining to the appointment of Lab Technician. It is also not clear why no regular appointment was made after the previous incumbent retired from service on 31.5.2013. The stage of the recruitment process for filling up the post as of now is also not known.

5. Under the above circumstances, I am of the view that it is for the respondents to consider if the said isolated post could be filled up on regular basis by the applicant without detriment to the interests of the Dispensary. In the event of the respondents finding the applicant's services entirely satisfactory and arriving at a conclusion that she is capable of performing the services on regular and full time basis, it is for them to see if any provision is available for her regularization as per rules and consider the matter accordingly.

6. OA is disposed of with the above observations but no directions. No costs.

(R. RAMANUJAM)
MEMBER (A)

Asvs.

04.12.2018