

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI**

**ORIGINAL APPLICATION No.510/2015
This the 19th day of June, 2019**

**CORAM:- R. VIJAYKUMAR, MEMBER (A) .
R.N. SINGH, MEMBER (J) .**

Smt. K. M. Bincy, Aged 40 years,
Presently working as Staff Nurse in the
Vinoba Bhave Civil Hospital, Union
Territory of Dadra and Nagar Haveli,
at Silvassa,
And residing at Quarter No.1, Block M,
Type-III, Bahumali, Silvassa, Union
Territory of Dadra and Nagar Haveli,
at Silvassa-396230.

... Applicant.

(By Advocate Shri Ramesh Ramamurthy)

VERSUS.

1. The Administrator,
Union Territory of Dadra
and Nagar Haveli and Silvassa,
Administrator's Secretariat,
Silvassa 396230.
2. Chief Medical Officer,
Dadra and Nagar Haveli,
Silvassa-396230.
3. Medical Superintendent,
Vinoba Bhave Civil Hospital,
Dadra and Nagar Haveli,
Silvassa-396230.

... Respondents

(By Advocate Shri V. S. Masurkar)

O R D E R

Per: R. Vijaykumar, Member (A)

1. When the case is called out, Shri Ramesh Ramamurthy, learned counsel appeared for the applicant.
2. Shri V. S. Masurkar, learned counsel appeared for the respondents.
3. This application has been filed on 13.07.2015 under Section 19 of the Administrative Tribunal's Act, 1985 seeking the following reliefs:

"(a) That this Hon'ble Tribunal be pleased to declare that the Applicant is entitled to be regularised as a Staff Nurse in Shri Vinoba Bhave Civil Hospital, at Silvassa in the Union Territory of Dadra and Nagar Haveli from the first date of her appointment in the said hospital i.e. 19th September, 2004 with all consequential benefits flowing therefrom;

(b) That this Hon'ble Tribunal be pleased to direct the Respondents to immediately constitute a Committee or pass appropriate orders regularising the Applicant as a Staff Nurse in the Shri Vinoba Bhave Civil Hospital at Silvassa in the Union Territory of Dadra and Nagar Haveli from 19th September, 2004 and grant her all consequential service benefits flowing therefrom including continuity of service, full wages as

on regular employee and all other service benefits along with interest at the rate of 18 per cent per annum on the difference of emoluments from the due date till actual payment.

(c) Such other and further orders be passed as the facts and circumstances of the case may require;

(d) Costs of this Application be provided for;"

4. The applicant has approached this Tribunal challenging the inaction on part of the respondents in not regularizing the services of the applicant who is working as Staff Nurse in the Vonoba Bhawe Civil Hospital at Silvassa even though the applicant has put in almost 12 years of continuous service.

5. The respondents have filed reply and vehemently opposed the grant of relief and also raised the issue of limitation.

6. Considering the nature of the pleas made and the nature of reliefs claimed by the applicant, we do not enter into and express any opinions on the merits of the case and the aspect of limitation raised in the matter and direct the respondents to consider the pending representation of the applicant in 16.04.2015 (Annexure A-17) and

pass a reasoned and speaking order in accordance with law within four weeks from the date of receipt of a certified copy of this order.

7. We further direct that the status quo in respect of the services of the applicant shall be maintained until such orders are communicated to the applicant within two weeks thereafter.

8. In the aforesaid facts and circumstances, the OA is disposed of without any order as to costs.

(R. N. Singh)
Member (J)

(R. Vijaykumar)
Member (A)

V.

JD
27/6/19