

---

**(2013) 02 DEL CK 0330**  
**In the Delhi High Court**  
**Case No : Writ Petition (C) 1344 of 2012**

Ms. Madhuri

APPELLANT

Vs

UOI and Another

RESPONDENT

---

**Date of Decision :** 26-02-2013

**Acts Referred:**

**Citation :** (2013) 02 DEL CK 0330

**Hon'ble Judges :** Pratibha Rani, J;Pradeep Nandrajog, J

**Bench :** Division Bench

**Advocate :** Jayasree Narasimhan, for Mr. Sudarshan Rajan, for the Appellant;  
Abhishek Yadav, for the Respondent

**Final Decision :** Dismissed

---

## Judgement

Pradeep Nandrajog, J.—Petitioner was employed as a substitute Bungalow Khalasi on terms contained in the letter dated March 20, 2009, and we note that there were five terms of engagement being as under:-

1. Your appointment is totally contractual.
2. You will be eligible for temporary post on basis of your work report and also after regular services of 120 days.
3. Only after 3 years of service you will be eligible for screening.
4. If your work report is found to be unsatisfactory i.e. on your being non responsive towards work, being absent/bad behaviour etc., you will be terminated from rail services.
5. On officer being transferred you will keep working on with new officer, if he would not like that to happen otherwise you will be terminated from rail services.

On November 24, 2009 her services were terminated informing her that work performed by her was not satisfactory. Petitioner approached the Central Administrative Tribunal stating that the moment she rendered 120 days" service

she acquired the status of a temporary employee and became entitled to the benefit of para 1515 of IREM Manual Volume 1; which is statutory in character.

2. The Tribunal has dismissed the Original Application filed by the petitioner noting that after the petitioner had made a representation against her services being terminated and in which representation she had made a grievance that she was not heard with respect to her alleged deficient working, the department issued a memorandum enclosing therewith the report submitted by the officer under whom petitioner was attached for her response.

3. We need not deal with the issue at length, as has been dealt with by the Tribunal, for the simple reason condition No. 2 of the letter offering appointment to the petitioner clearly requires that petitioner would become eligible for temporary post after she renders 120 days" service but based upon her work report.

4. In other words, acquiring temporary status is not a mechanical exercise i.e. whosoever serves for 120 days. The same would be subject to a work appraisal.

5. Para 1515 of the IREM Manual Volume 1 reads as under:-

1515. Rights and privileges admissible to the Substitutes-Substitutes should be afforded all the rights and privileges as may be admissible to temporary railway servants, from time to time on completion of four months continuous service. Substitute school teachers may, however, be afforded temporary status after they have put in continuous service of three months and their services should be treated as continuous for all purposes except seniority on their eventual absorption against regular posts after selection.

6. The said paragraph would only mean that substitutes who acquire temporary status would be entitled to the rights and privileges as may be admissible to temporary railway employees. The paragraph in question has no bearing on acquiring temporary status.

7. Letter offering appointment to the petitioner was clear. After rendering 120 days" service her work appraisal had to be done, and if satisfactory, would have entitled petitioner to a temporary status. The work appraisal was not satisfactory.

8. Before we formally dismiss the writ petition we would observe that it appears to be a case where petitioner"s father is compelling her to perform a low paid job as a Bungalow Khalasi which would require petitioner to work in the house of senior railway officers and needless to state the duties to be performed would be cleaning utensils, cleaning the floor, washing clothes etc. The petitioner is a Senior Secondary certificate holder, has done graduation and a course in computers. It is obvious that with the high qualifications which she possesses the petitioner would be unfit to work as a female peon in a house. The writ petition is dismissed but without any order as to costs.