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Central Administrative Tribunal
Principal Bench.

...

O.A. No.1777/95

New Delhi, this the 12th day of Feb., 1996

Hon'ble Shri A.V. Haridasan, Vice-Chairman (J)
Hon'ble Shri R.K. Ahooja, Member (A)

Smt. Lalita Dua w/o
Shri Prem Dua,
Matron Grade-II,
Northern Railway,
Central Hospital,
Basant Lane, New Delhi.

..Applicant.

(By Shri S.K. Sawhney, Advocate)

Versus

1. Union of India through
General Manager,
Northern Railway, Baroda House,
New Delhi.
2. Medical Director,
Northern Railway,
Central Hospital,
Basant Lane,
New Delhi-55.

...Respondents

(By Shri J.P. Kshatriya, Advocate)

ORDER (ORAL)

By Hon'ble Shri A.V. Haridasan, Vice-Chairman (J)

1. The applicant Smt. Lalita Dua, Matron in the
Central Hospital, Basant Lane, New Delhi is aggrieved
by the order dated 21.3.1995 of the General Manager (P),
Northern Railway, New Delhi whereby she was informed that

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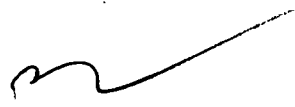
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in the scale of Nurse Grade 'A'
her seniority/ would be reckoned only from 1.5.1974

instead of 27.6.1972 as also by the order dated 14.3.1995 of the General Manager (P), Northern Railway, New Delhi calling the Matron Grade-III for selection to the post of Matron Grade-I. The applicant has been placed at Sl.No.10 assigning her seniority in the grade of Rs. 455-700/- only w.e.f. 1.5.1974. It is alleged in the application that the applicant was appointed as Nurse Grade-'A' on 27.6.72 and therefore, assigning her seniority w.e.f. 1.5.74 is arbitrary, unreasonable & un-called for and the applicant has prayed that the impugned orders may be set aside and the respondents be directed to assign the applicant seniority as Nurse Grade 'A' w.e.f. 27.6.1972 and to consider the applicant for the post of Matron scale Rs. 2000-3500 on the basis of that seniority.

2. The respondents in their reply have contended that in view of the stipulation contained in sub-para 1 of paragraph 1 of the order dated 28.3.1974, the applicant is entitled to count her seniority as Nurse Grade 'A' only w.e.f. 1.5.1974 on which date the seniority of the Nurses of that grade transferred to the Central Hospital got merged with the Central Hospital staff.

3. By order dated 14.12.1995^{of the Bench,}, the respondents were directed to produce the copies of the three letters referred to in the letter dated 28.3.1974 but the learned counsel



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for the respondents now states that he has been informed that these documents having been destroyed, it would not be possible for the department to make them available. However, Shri D.P.Kshatriya, counsel for the respondents states that the seniority of the Nurses has since been revised w.e.f. 5.10.1995 and has been prepared by the Central Hospital in which the applicant having been assigned seniority as Nurse Grade 'A' w.e.f. 27.6.1972, has been placed at the top of the list and that her case for promotion as Matron in the pay scale of Rs.2000-3500 would be considered on that basis and that therefore, there will not be any subsisting grievance for the applicant.

Date corrected vide
order dt 14/3/96 in
MA-556/96.

per
5/3/96

4. In view of the fact that the respondents have revised the seniority of the applicant reckoning her service in the grade of Nurse 'A' w.e.f. 27.6.1972 and as there is no merit in their contention that as the seniority of Nurses who have been transferred to the Central Hospital being merged w.e.f. 1.5.1974, the services of the applicant prior to that date would stand totally

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vanished, we are of the considered view that the
the applicant's seniority as Nurse Grade 'A' should
be counted from ~~27.6.1992~~ ^{27.6.1972} and that she should be
considered for selection to the post of Matron in the
scale of Rs. 2000-3500/- on the basis of that seniority.

Date corrected vide
order dt. 14/3/96 in
MA-556/96

4/2/96
5/2/96

5. In the result, the application is disposed off
with a direction to the respondents to place the
applicant at the appropriate place in the merged seniority
list of Nurses taking the seniority of the applicant in
Nurse 'A' w.e.f. ~~27.6.1992~~ ^{27.6.1972} and to consider her for
selection as Matron in accordance with rules and
instructions on the subject. There is no order as to
costs.

Date corrected vide
order dt. 14/3/96 in
MA-556/96

4/2/96
5/2/96

R.K. Ahooja
(R.K. Ahooja)
Member (A)

(A.V. Haridasan)
(A.V. Haridasan)
Vice-Chairman (J)

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