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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

Original Application No. 350/00372 of 2020

Smt. Rajashri Sahoo, wife of Sri Prabir Kumar Sahu, working for gain as a "Chief Matron" under the direct control and supervision of Chief Medical Superintendent, Railway Main Hospital at Kharagpur, South Eastern Railway, residing at Railway Quarter No. 518-E, Unit - III, South Side, P.O. & P.S. - Kharagpur (Town), District -Midnapore (Paschim), Pin - 721 301 ;

... Applicant

-Versus-

1. Union of India service through The General Manager, S.E. Railway, Gardenreach, Kolkata - 700 043.
2. The Chairman, Railway Board, Rail Bhawan, New Delhi, Pin - 110 001.
3. The Principal, Chief Medical Director, Central Hospital, S.E. Railway, Gardenreach, Kolkata - 700 043.

4. The Divisional Railway Manager,
S.E. Railway, Kharagpur, P.O. & P.S. -
Kharagpur, District - Midnapore
(Paschim), Pin - 721 301.

5. The Chief Medical Superintendent,
S.E. Railway, Kharagpur, P.O. & P.S. -
Kharagpur, District - Midnapore
(Paschim), Pin - 721 301.

6. The Addl. Chief Medical
Superintendent, (Surgeon) ^{S.E.} ~~D. A. Auth~~ Railway,
Kharagpur, P.O. & P.S. - Kharagpur,
District - Midnapore (Paschim), Pin -
721 301.

7. The Sr. Divisional Personal Officer,
S.E. Railway, Kharagpur, P.O. & P.S. -
Kharagpur, District - Midnapore
(Paschim), Pin - 721 301.

8. Dr. J. B. Sahoo (Radiologists), Sr.
Divisional Medical Officer & appointed as
Inquiry Officer, S.E. Railway, Kharagpur,
P.O. & P.S. - Kharagpur, District -
Midnapore (Paschim), Pin - 721 301.

... Respondents

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/372/2020

Date of Order: 24.06.2020



**Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member**

Rajashri Sahoo.....Applicant

Vrs.

Union of India & Ors.Respondents

For The Applicant(s): Ms. B.Ghoshal & Mr. T.K.Biswas, Counsel

For The Respondent(s): Ms. S.Chaudhury, Counsel

ORDER (ORAL)

Bidisha Banerjee, Member (J):

1. Notice has been served on the respondents. Ms. B.Ghoshal, Ld. Counsel for the applicant and Ms. S.Choudhury, Ld. Counsel for the respondents are present and heard.

2. The applicant has preferred this O.A. to seek the following reliefs:

"(a) To direct the concerned respondents, more particularly the respondent nos. 5 & 6 to cancel, rescind and/or withdraw the Charge Sheet dated 28.1.2020, issued to the applicant, forthwith;

(b) To direct the concerned respondents, more particularly the respondent nos. 5 and 6 to allot light duties to the applicant upon consideration of her health condition which are evident from the reports of the AIIMS, Bhubaneswar, Odisha submitted before the concerned respondents along with an application dated 4.1.2020, forthwith;

(c) To direct the concerned respondents to transmit and authenticate and produce all the records in connection with the aforesaid matter before this Hon'ble Tribunal, so that conscionable justice may be done to the applicant upon hearing the parties.

(d) To direct the respondents concerned to pay the entire due salary and other emoluments for the period of Suspension, for which she is legally entitled to;

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(e) And to pass such other or further order or orders and/or direction or directions as to this Hon'ble Tribunal may deem fit and proper."



3. The applicant is aggrieved as her detailed representation to the concerned authority for allotment of less strenuous job involving light physical activities has not been considered and instead she has been slapped with a charge sheet alleging misbehaviour towards superior and dereliction of duties etc. The applicant in response to the charge memo dated 28.01.2020, preferred a detailed reply to the Disciplinary Authority on 03.02.2020 (Annexure-A/10). In the said reply, the applicant has mentioned that although the first charge was framed on the basis of complaint alleged by one Mamata Ghoshal, Chief Matron/Chest Clinic/KGP, she has not been named as a witness in the charge sheet by whom the article of charges against the applicant are proposed to sustain. The applicant has also alleged that there ought to be a Board of Inquiry to enquire into the allegations levelled against her.

4. Ld. Counsel for the applicant, Ms. Ghoshal, would submit that in total non-consideration of the applicant's defence/representation dated 03.02.2020, by an order dated 25.02.2020, the Disciplinary Authority has appointed Inquiry Officer with a direction upon the said officer to file inquiry report within 60 days.

5. Ld. Counsel for the applicant would further submit that she would be satisfied if a direction is given upon the Disciplinary Authority to consider her reply and to issue a reasoned and speaking order within a time frame.

6. Since no fruitful purpose would be served in calling for reply in the matter as no specific order is under challenge and there being no scope for the same, with the consent of the parties, we dispose of this O.A. with a direction upon the

Disciplinary Authority, being the Addl. Chief Medical Superintendent (Surgeon)
[respondent No.6 herein], to consider the representation dated 03.02.2020 and
issue a reasoned and speaking order on the same, as expeditiously as possible and
preferably within one month from the date of receipt of a copy of this order.



7. Till such time, inquiry shall not be proceeded with.

8. Accordingly, the present O.A. stands disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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