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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.2240/90

NEW DELHI THIS THE 10th DAY OF JANUARY, 1995.

HON'BLE SHRI J.P. SHARMA, MEMBER (J)
HON'BLE SHRI B.K. SINGH, MEMBER (A)

Smt Parmeshwari Devi
Widow of Late Shri Nool Chand
Auxillary Nurse & Midwife,
Northern Railway Dispensary
Kishanganj, Delhi.

2. Smt Sarojni Gupta,
Auxillary Nurse & Midwife
Railway Dispensary, N.R. Hospital,
Delhi Main.
3. Smt Shiv Kumari Pandey,
Auxillary Nurse & Midwife
Northern Rly Hosspital,
Delhi Main.
4. Smt Joginder Kaur,
Auxillary Nurse & Midwife,
C/o Sr Medical Supdt.
Norther Rly Hospital,
Delhi Main.
5. Smt Kanta Rani,
Auxillary Nurse & Midwife,
Working under Sr D.M.O.,
Shakurbasti, Delhi.
6. Smt Arnammati Devi,
Auxillary Nurse & Midwife,
Working under Sr D.M.O.,
Health Unit, Punjabi Bagh.
7. Smt Sarswati Devi,
Auxillary Nurse & Midwife,
Working under Sr D.M.O.,
Delhi Kishanganj.Applicants

(By Advocate: Shri B.S. Maine)

VERSUS

UNION OF INDIA, THROUGH

1. The General Manager,
Northern Railway,
Baroda House,
NEW FRLHI.
2. The D.R.M.,
Northern Railway,
State Entry Road,
New Delhi.

Contd....

3. The Sr Medical Superintendent,
Northern Railway Hospital,
Delhi Main,
Delhi. Respondents

(By Advocate : Shri N.K. Aggarwal)

JUDGEMENT (ORAL)

Hon'ble Shri J.P. Sharma, Member (J)

The grievance of the applicant is that she is working as Auxillary Nurse & Midwife, in Northern Railway Dispensery, Kishanganj and she is aggrieved by the Order dated 1st August, 1990 by which the Medical Superintendent has stopped the payment of nursing allowance @ Rs.150/- per month and has also passed order for recovery of nursing allowance already paid to the applicant. Similarly, the applicant No.2 Smt. Sarojni Devi, Applicant No.3 Smt. Shiv Kumari Pandey, the Applicant No.4. Smt. Joginder Kaur, Applicant No. Smt. Kanta Rani, Applicant No.6 Smt. Annamma and the Applicant No.7 Smt. Sarswati Devi, are employed in the various Railway Dispensaries of the Northern Railway and they have also been similarly served with aforesaid order of Medical Superintendent, of dated 1st August, 1990. All these applicants have jointly filed this application praying for the grant of reliefs that the aforesaid impugned order dated 1.08.90 be quashed and

that the respondents be directed to pay Nursing allowance and the amounts already recovered from the salaries of the applicants in pursuant of the said impugned order, be refunded to the applicants.

2. On notice the respondent No.2 filed the reply opposing the grant of the reliefs as prayed for by the applicants.

3. During the course of the hearing the learned counsel for the applicant Shri B.S. Mainee has given the copy of the judgement passed in O.A.2190/90 decided by the Principal Bench on 14.08.1992, and that this case related to all the ladies who have been working as Lady Health Visitor, Northern Railway, Health Unit, Kishan Ganj, and who had also assailed the Order dated 1st August, 1990, which lays down that the Nursing Allowance shall be stopped and the amount already paid as Nursing Allowance, shall be recovered from them. That O.A.2190/90 was decided after contest. The operative portion of that judgement is reproduced as follows :-

"In view of the above discussion, the application is allowed. The respondents are directed not to recover any payment made to the applicants towards the nursing allowance and if any recovery has been affected, the same be reimbursed to them and further the applicants be paid

the nursing allowance at par with the Nursing Sisters, i.e. Rs.150 p.m. as also envisaged in the Board's letter dt 13.5.1992. The applicants may also be paid the arrears, if any, of the said allowance and be also paid for the period the amount has been withheld by the respondents on account of the Railway Board's letter dt 5.5.1989. The respondents shall comply with the above directions within a period of three months from the date of communication of this judgement. In the circumstances, the parties shall bear their own costs."

4. Since none is present on behalf of the respondents and the facts of the case are also similar, we are also deciding the present case on the basis of the ratio laid down in the judgement of O.A.2190/90 and the issues raised by way of objection in the present application were also raised in that O.A. and have been been considered. The reliance was placed by the respondents in their counter on the Railway Boards letter of dated 5th May,1989. The case of the applicants have been that in terms of the Railway Board letter dated 13th May,1975 laundry and uniforms ^{allowance} which are admissible to the Nursing Sisters and others on the Railways were also made admissible to the LHV/ANM/Midwives also at the same scale. This aforesaid allowances were subsequently revised by the Railway Board's letter dated 18.6.87. In view of this, the Nursing Allowance at the rate of Rs.150/- was

paid to the applicants w.e.f. 1st October, 1986.

It was because of certain audit objection, but subsequently this audit objection was closed and the earlier decision has been revised by the Headquarter as a result of which the impugned order dated 1st August, 1990 was passed.

5. In view of the above observations, we endorse our view taken earlier in O.A.2190/90 and dispose of this application with the same directions which is as follows :-

1. The respondents are directed not to recover any payment made to the applicants towards the nursing allowance and if any recovery has been affected, the same be reimbursed to them and further the applicants be paid the nursing allowance at par with the Nursing Sisters, i.e. @ Rs.150/- p.m. as also envisaged in the Boards's Letter dated 13.5.1992. The applicants may also be paid the arrears, if any, of the said allowance and be also paid for the period the amount has been withheld by the respondents on account of the Railway Board's letter dt 5.5.1989. The respondents shall comply with the above directions within a period of three months from the date of communication of this judgement."

6. The applicants shall be reimbursed the amount within a period of three months from the date of receipt of the copy of this order and also be compensated with allowance as per the judgement mentioned above.

7. This O.A. is disposed of accordingly with no order as to the costs.



(B.K. SINGH)
MEMBER (A)



J.P. SHARMA
MEMBER (J)

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