

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application No. 341 of 2005

Allahabad this the 25th day of July, 2012

**Hon'ble Mr. Sanjeev Kaushik, Member-J
Hon'ble Mr. Shashi Prakash, Member-A**

1. Smt. Geeta Rawat W/o Sri Rajani Kant Resident of M-9D, Medical Colony, Behind Railway Hospital, Izat Nagar, Bareilly. (U.P.).
2. Smt. Mamta Shukla, W/o Sri Shailender Dowal, Resident of H. No. 0368/A, Near Holika Mandir, G.G.I.C., Behind Beharipur, Bareilly City, Bareilly (U.P.).

Applicants

By Advocate: Mr. R.C. Pathak

Vs.

1. Union of India through the General Manager, N.E. Railway, HQ. Gorakhpur (U.P.).
2. The Chief Medical Superintendent, Divisional Hospital, N.E. Railway, Izat Nagar, Bareilly (U.P.).
3. The Divisional Personal Officer D.P.O., N.E. Railway, Izat Nagar, Bareilly (U.P.).
4. The Senior Divisional Medical Officer, Health Unit, N.E. Railway, Bareilly City, Bareilly (U.P.).

Respondents

By Advocate: Mr. P.N. Rai

ORDER

Delivered by Hon'ble Mr. Sanjeev Kaushik, J.M.

By way of instant O.A., filed under Section 19 of the Administrative Tribunals Act, 1985, the applicants have impugned the orders dated 05.03.2005 and 23.02.2005

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(annexure-1 and 2 respectively). The applicants further seek direction to the respondents' No. 2 and 4 to implement the Judgment of Calcutta Bench of this Tribunal dated 22.09.1998 (annexure-4) with further direction to the respondents to issue Ist class passes to the applicants.

2. The facts are not in dispute hence a brief note is sufficient. The applicant No. 1 was appointed as a Staff Nurse on 29.07.1988, and applicant No. 2 was appointed as Staff Nurse on 04.04.1989. Both the applicants were appointed in Northern Railway at Moradabad. In the month of May, 1993, the applicant No. 2 was transferred from Moradabad to Jharapani at Mussorie, and applicant No. 1 was transferred in October, 1997 from Moradabad to Pilibhit. It is the case of applicants that by the impugned orders, the applicants were denied Ist class passes. Against rejection for providing Ist class passes, present O.A. has been filed by two applicants relying upon the Order dated 22.09.1998 (annexure-4) passed by the Calcutta Bench of this Tribunal.

3. Shri M.K. Dhruvanshi, Counsel holding brief of Shri R.C. Pathak, Counsel for the applicants has submitted that the present O.A. is squarely covered by the Order of the Calcutta Bench of this Tribunal. Shri P.N. Rai, who is

Standing Counsel of Indian Railways, present in the Court is directed to assist the Court as the earlier counsel Shri Zafar Moonis is not ~~on~~ in the panel as per the information given by Shri Rai. Shri Rai also did not dispute this fact that the Calcutta Bench of this Tribunal has decided the similar controversy where also the staff nurses were denied Ist class passes, and the Calcutta Bench has held that they are entitled for Ist class passes after considering the circulars issued by the Railway Board.

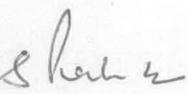
4. We have considered the rival submissions of learned counsel for the parties and perused the pleadings on record.

5. From the pleadings, it is clear that the applicants had been provided Ist class passes way back in the years 2000-2004. In the Railway Board's own circular, which is appended as annexure-8 dated 01.02.1999 and circular dated 26/28-08-2004 (annexure-5), it is mentioned that those who are entitled to get the Ist class pass, should continue to get the same irrespective of their entitlements in the Vth C.P.C. as per para-5 of Board's letter dated 01.02.1999.

6. In view of the above, we are satisfied that the controversy has already ^{been} ~~put~~ rest by the Calcutta Bench of

this Tribunal and more particular the respondents' own circular dated 26/28-08-2004 made it clear that those who are entitled to get the 1st class pass, should continue to get the same irrespective of their entitlements in the Vth C.P.C. Therefore, action of the respondents in passing the aforesaid impugned orders is totally illegal and against to their own circulars.

7. Accordingly, O.A. is allowed. The impugned orders dated 05.03.2005 and 23.02.2005 (annexure-1 and 2 respectively) are set aside and the applicants held entitled for issuance of first class passes. No order as to costs.


Member- A


Member - J

/M.M/