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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No.491 of 2005.

Allahabad, this the 26th day of September, 2005.

Hon'ble Mr. A.K. Bhatnagar, J.M.
Hon'ble Mr. D.R. Tiwari, A.M.

Mrs. Kumkum Roy Choudhary, Aged about 55 years, Wife of Sri A. Roy Choudhary, Matron Grade-II (Medical), Mughalsarai Loco Hospital, East Central Railway, Mughalsarai, Resident of 1452/B, New Central Colony, Mughalsarai.

... Applicant.

(By Advocate : Shri J. S. Pandey)

Versus

1. Union of India, Through General Manager, (Personnel Branch), East Central Railway, Hazipur.
2. Chief Personnel Officer, East Central Railway, Hazipur.
3. Senior Divisional Personnel Officer, East Central Railway, Mughalsarai.

... Respondents.

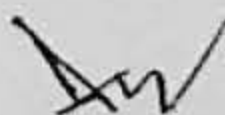
(By Advocate : Shri T. N. Koel)

ORDER

By Hon'ble Mr. A.K. Bhatnagar, J.M. :-

By this OA, the applicant has prayed for a direction to respondents to consider the case of the applicant and promote her on the post of Chief Matron from the date her juniors have been promoted and to give the applicant all the consequential benefits. She has further sought a prayer to decide the representation/objection of the applicant against the seniority list dated 14.1.2005 before the seniority list is given effect to.

2. The brief facts as per the applicant are that she was appointed as Trainee Nurse and underwent training at the Nurses Training Centre, Danapur, Divisional Hospital, Eastern Railway. Thereafter, she was posted in Loco Hospital at Mughalsarai as a Staff Nurse in June, 1975. Presently, she is working as Matron Grade-II at Loco Hospital in Mughalsarai. In the seniority list published on 8.7.1999 of Matron in the



Grade of Rs.6500-10500/-, the name of the applicant was placed at Sl. No.8, while one Soti Hazar who was junior to the applicant was placed at Sl. No.9 (Annexure-2). The grievance of the applicant is that junior to the applicant Soti Hazar was promoted on the post of Chief Matron vide order dated 30.11.2004 ignoring the claim of the applicant for the said post. She filed representation on 7.12.2004 (Annexure-4) duly forwarded by Senior D.M.O., Mughalsarai before respondent No.2 i.e. Chief Personnel Officer, East Central Railway, Hazipur but no decision was taken by the authorities till date. Thereafter a seniority list was published on 14.1.2005 by which junior to the applicant Smt. Soti Hazar has been ^{shown} promoted on the post of Chief Matron, while the case of the applicant was totally ignored. According to the applicant she received a seniority list on 15.3.2005 and thereafter filed objection on 17.3.2005 claiming promotion for the post of Chief Matron with effect from the date of her juniors have been promoted. Learned counsel for the applicant submitted that the criteria for promotion on the post of Chief Matron is only seniority which has not been considered. The grievance of the applicant is that the claim of the applicant for the post of Chief Matron has not been considered correctly, while the juniors to the applicant were considered for the said post. During the course of the arguments, learned counsel for the applicant submitted that the applicant has sent a representation to respondent No.1 on 16.3.2005 duly forwarded by the Medical Superintendent enclosing the copy of the representation dated 2.8.2004 but no action has been taken so far.


3. Learned counsel further submitted that the applicant will be satisfied if her representation is decided by the respondents as per extent rule within a specified time.

4. Shri T.N. Koel, learned counsel for the respondents is present and prays for time for filing the counter affidavit. However, we do not feel it necessary to grant time for filing the counter affidavit as the OA can be disposed of at the initial stage itself by issuing an appropriate direction.

5. We, therefore, deem it proper that the interest of justice shall better be served if the representation of the applicant is decided by the respondents as per rules by a reasoned and speaking order.

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6. Accordingly, the OA is disposed of by issuing a direction to Competent Authority/Respondent No.1 i.e. General Manager (Personnel Branch), East Central Railway, Hazipur to decide the representation of the applicant dated 16.3.2005 (Annexure-6) by a reasoned and speaking order within a period of three months from the date of receipt of copy of this order. For early decision the applicant may file the copy of the representation dated 16.3.2005 to the Competent Authority. No order as to costs.


Member-A


Member-J

RKM/