

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

This is the 02nd day of August 2021

ORIGINAL APPLICATION NO. 330/00534 of 2021

HON'BLE MR. TARUN SHRIDHAR, MEMBER (A)

Rajani Mishra a/a 47 years, W/o Saroj Kumar Mishra R/o Station Road, Railway Officer Colony, Gonda.

.....Applicant.

Advocates for the Applicant : Mr. S.K. Mishra

VERSUS

1. Union of India through Secretary, Railway Ministry Rail Bhawan, New Delhi.
2. General Manager, North Eastern Railway, Gorakhpur.
3. Divisional Railway Manager (Karmik) NE Railway Gorakhpur.
4. Chief Medical Superintendent Lucknow/Gorakhpur.
5. Additional Chief Medical Superintendent Northern East Railway, Hospital, Gonda.

.....Respondents

Advocate for the Respondents : Mr. P.K. Rai

O R D E R

1. Heard Shri S.K. Mishra, learned counsel for the applicant and Shri P.K. Rai learned counsel for the respondents.
2. The limited issue in this O.A is that the applicant, who was appointed as a Medical Officer in the establishment of the respondents on contract, now seeks continuation of her service as her contract is being terminated by the respondents.

3. Learned counsel for the applicant points out that the respondents, on the one hand, have been terminating her contract, on the other hand, they are continuing with the services of a contractual medical officer, who is junior to her, therefore, in the interest of equity and fairness, learned counsel points out that the senior person be allowed to continue instead of junior person.

4. Learned counsel for the respondents, on the other hand, points out that in accordance with the policy of the Railways, initial contract for appointment is one year, which is renewed on the year to year basis and the maximum period are allowed for continuation on contract is 12 years. Since the applicant has completed that period, she cannot be allowed to continue beyond that. He also points out that in case of the extension of contract of the medical officer junior to the applicant, there are certain other factors such as administrated and compassionate.

5. The applicant has already preferred a detailed representation to the respondents on 16.03.2021 (this representation is placed at page 20 of the OA) and the learned counsel for the applicant submits that at this stage, he would be satisfied if the respondents are directed to decide this representation after taking a considered view on the same and taking into consideration the arguments advanced by him.

6. Learned counsel for the respondents agrees that respondents shall dispose of the representation of the applicant by way of passing a reasoned and speaking order.

7. The O.A. is accordingly disposed of with the direction to the respondent No.2 to take a judicious decision on the representation of the applicant dated 16.03.2021 by passing a reasoned and speaking order, within a period of four weeks from the date of a certified copy of this order.

8. It is made clear that I have not expressed any opinion on the merit of the case.

9. There shall be no order as to costs.

(TARUN SHRIDHAR)
Member (A)

Manish/-