

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 1103 of 1996

Present : Hon'ble Mr. Justice S.N. Mallik, Vice-Chairman.

ASIMA SARANGI & ORS.

... Applicants
Vs.

1. UNION OF INDIA through the Secretary, Ministry of Railways, Railway Board, New Delhi-110 001.
2. Chairman, Railway Board, Rail Bhawan, New Delhi-110 001.
3. The General Manager, South-Eastern Railway, Garden Reach, Calcutta-43.
4. Divisional Railway Manager, South-Eastern Railway, Garden Reach, Cal-43.
5. The Chief Medical Superintendent, South-Eastern Railway, Kharagpur.
6. The Sr. Divisional Personnel Officer, South Eastern Railway, Kharagpur.
7. The Sr. Divisional Railway Manager (Accts.) South-Eastern Railway, Kharagpur.

... Respondents

For the applicants : Ms. B. Banerjee, counsel.

For the respondents : Mr. P. Chatterjee, counsel.

Heard on : 9.2.1999

Order on : 9.2.1999

ORDER

When this O.A. is taken up for hearing, it is conceded by the 1st counsel appearing for both the parties that this case is squarely covered by the judgment delivered by this Tribunal on 22.9.1998 in O.A.302 of 1995.

2. Mr. P. Chatterjee, appearing for the respondents, has conceded in all fairness that the reliefs granted to the applicants in O.A.302 of 1995 are to be extended to the present applicants as the said judgment has become final and no appeal to his knowledge

has been preferred by the respondent-authorities to superior forum.

3. In O.A.302 of 1995, one Ms. Sukanya Roy alongwith others serving as Staff Nurse under the respondent-Railways, sought for a declaration that they were entitled to 1st Class Passes/PTOs as were granted to them in 1992. It was their grievance there that the respondent-authorities suddenly refused to issue 1st Class Passes/PTOs to them without any lawful reason w.e.f. May, 1993. It was urged in the said application, the said aforesaid conduct on the part of the respondent-authorities cancelling such entitlement of the applicants of 1st Class Passes/PTOs was arbitrary and violative of Articles 14 and 16 of the Constitution. They also prayed for a direction upon the respondents restraining them from curtailing the entitlement of the applicants of 1st Class Passes/PTOs from May, 1993, and to continue to grant the same to them as before.

4. The aforesaid O.A. was contested by the respondents on whose behalf Mr. P. Chatterjee appeared. It was the simple defence there that the applicants were not entitled to issue of the 1st Class Passes as their pay did not reach the stage of Rs.2301/- as fixed by the Board's letter dated 5.9.1991.

5. The present case is same and identical to the case made out in the earlier O.A. being 302/1995.

6. In the reply furnished on behalf of the respondents, reference has been made to the aforesaid O.A. being no.302/1995 which was pending at that stage. In the reply of the present case, reliance has been placed on the reply furnished in the earlier O.A. i.e. 302/1995.

7. It is the case of the applicants who are eight in number, that they have been serving under the Railway-authorities as Staff Nurses/Nursing Sisters in South-Eastern Railway Main Hospital, Kharagpur. It has also specifically been stated in the cause title that the applicant nos.5, 6 and 7 have been

working as Staff Nurses/Nursing Sisters, as the case may be, in the South-Eastern Railway Dispensary Traffic, Kharagpur. There is no dispute that Staff Nurses/Nursing Sisters working in Railway Dispensary, Kharagpur, are controlled by the Chief Medical Superintendent, South-Eastern Railway Main Hospital, Kharagpur. Be that as it may, it is the case of the present applicants like their counter-parts in the earlier O.A. that they joined on different dates in 1987 and till August, 1995, they have been enjoying 1st Class Passes and PTOs, which have been arbitrarily refused to be issued w.e.f. May, 1993. The issue involved in this O.A. is same and similar to the issues decided in the earlier O.A.301/1995. In the judgment delivered in O.A.302/1995, reliance was placed upon the Railway Board's letter dated 10.11.1987 (annexure 'A/4'), wherein it is stated that for the new entrants who joined on or after 1.4.1987 who were already issued 1st Class Passes/PTOs, their case would not be re-opened otherwise than in keeping with the conditions mentioned in the aforesaid letter. It is provided there that the Group-C or Group-D employees who entered Railway service on or after 1.4.1987 and they were in a scale the minimum of which was Rs.2000/- or above or when their pay reached Rs.2600/- or above, they would get those passes and PTOs. It is undisputed that the present applicants after their revision of pay under the Fifth Pay Commission, have been enjoying pay in the scale of Rs.5500-9000/-. It is urged by Mr. B. Banerjee, 1d.counsel for the applicants, that as such, the present applicants are entitled to get these 1st Class Passes and PTOs because the provisions contained in the above Railway Board's letter dated 10.11.1987, have not been revised.

8. This aspect of the matter have been considered in detail in my judgment dated 22.9.1998 delivered in O.A.302/1995. There is no reason why the present applicants should be given a differential treatment and should be denied the benefits given to their counter-parts in the earlier O.A.302/1995.

9. After considering the submissions made by the 1d.counsel

for both the parties and after going through the materials on record, I am of the view that the instant case is clearly covered by the aforesaid judgment dated 22.9.1998 passed in O.A.302/1995 against which no appeal has been preferred. As such, the present applicants are entitled to the same benefits as granted to the applicants in O.A.302 of 1995.

10. Accordingly, the application is allowed and disposed of with the following directions -

The present applicants are entitled to get the same benefits as given to the applicants in O.A.302/1995, as per the judgment dated 22.9.1998. It is declared that the present applicants are entitled to 1st Class Passes/PTOs, as per extant rules, and the impugned action of the respondent-authorities in curtailing and discontinuing the above right is arbitrary, unlawful and discriminatory. The respondents are directed to issue 1st Class Passes/PTOs, as the case may be, to the applicants according to extant rules, in terms of the above direction.

11. No order is made as to costs.

S. N. Mallick
(S. N. Mallick)
Vice-Chairman

R. S.