

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

INDEX SHEET

CAUSE TITLE 1923/29 (L) of 19 EST (L)

NAME OF THE PARTIES _____

Smt. Kamala Devi Applicant

Versus

Union of Jalis & Respondent

Part A, B & C

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Smt
24/6/11

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (D)

Checked by 03/11/12
File B/C destroyed on 9/5/12

(Signature)
10.6.11

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

3-8-89

Registration No. 183 of 1989

APPLICANT(S) Smt. Kamla Devi

RESPONDENT(S) Union of India

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1. Is the appeal competent ?	YES
2. a) Is the application in the prescribed form ?	YES
b) Is the application in paper book form ?	YES
c) Have six complete sets of the application been filed ?	ALL THE 6 SETS HAD BEEN FILED.
3. a) Is the appeal in time ?	YES
b) If not, by how many days it is beyond time?	NO
c) Has sufficient case for not making the application in time, been filed?	YES
4. Has the document of authorisation/ Vakalatnama been filed ?	YES
5. Is the application accompanied by B.D./Postal Order for Rs.50/-	YES
6. Has the certified copy/copies of the order(s) against which the application is made been filed?	YES
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	YES
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	YES
c) Are the documents referred to in (a) above neatly typed in double space ?	YES
8. Has the index of documents been filed and paging done properly ?	YES
9. Have the chronological details of representation made and the out come of such representation been indicated in the application?	YES
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?	NO



<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
11. Are the application/duplicate copy/spare copies signed ?	yes.
12. Are extra copies of the application with Annexures filed ?	yes
a) Identical with the Original ?	yes
b) Defective ?	N.A
c) Wanting in Annexures	
Nos. _____ pagesNos _____ ?	
13. Have the file size envelopes bearing full addresses of the respondents been filed ?	N.A
14. Are the given address the registered address ?	yes
15. Do the names of the parties stated in the copies tally with those indicated in the application ?	yes
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?	yes
17. Are the facts of the case mentioned in item no. 6 of the application ?	yes
a) Concise ?	yes
b) Under distinct heads ?	yes
c) Numbered consecutively ?	yes
d) Typed in double space on one side of the paper ?	yes
18. Have the particulars for interim order prayed for indicated with reasons ?	yes
19. Whether all the remedies have been exhausted.	yes.

dinesh/

Registered

ofc

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW

No. CAT/CB/LKO/

Dated : 8/8/89

OFFICE - MEMO

Registration No. O.A. 183 of 193 9 (1)
T.A.

Smt - Kamla Devi Applicant's

Commission of Justice Versus Respondent's

A copy of the Tribunal's Order/Judgement
dated 4/8/89 in the abovenoted case is forwarded
for necessary action.

dinesh
For DEPUTY REGISTRAR (H)

Encl : Copy of Order/Judgement dated 4/8/89

To.

Shri R.B. Srivastava Adv S/A

Kamla Devi

B/hd- RB Srivastava / Applicant

dinesh/

(12/1)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
LUCKNOW CIRCUIT BENCH
Registration O.A. No.183 of 1989.

Smt. Kamla Devi Applicant
Versus
Union of India & Others. Opposite Parties.

Hon. Justice Kamleshwar Nath, V.C.

Heard the learned counsel for the applicant. This application under Section 19 of the Administrative Tribunals Act XIII of 1985 is for quashing an order dated 30.6.89, Annexure-A1 and to restore the order dated 20.6.89, Annexure-A2, ~~post~~ concerning allotment of certain duties to the applicant in her capacity as Matron Grade II in the Lucknow Division of the Railways.

2. According to the applicant, the impugned order is in violation of sub para 9 of para 204 of the Indian Railway Medical Manual inasmuch as she being the senior most Matron has been allotted functions of lesser responsibility than Miss C. Wesaly who, according to the applicant, is junior to her. One of the functions allotted by the impugned order dated 30.6.89 to Miss Wesaly is to look after class III Roster although since 14.4.87 that function was being performed by the applicant under orders contained in Annexure-6. The grievance is that by virtue of the impugned order, Miss Wesaly will be in a position to effect daily posting orders on her seniors.

3. A perusal of sub para 9 of para 204 of the Indian Railway Medical Manual which deals with duties and responsibilities of the various categories of the

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A2
1

employees of the Medical Department, would show that various types of duties (enumerated in 14 clauses) may be allotted to "Matron (grade I, II and III)". In other words, any of the Matron of grade II (with which this case is concerned) may be entrusted with any of the duties specified in these 14 clauses. There can be no legal grievance against allotment of one or the other of the duties to the different Matrons with same grade. It has not been shown that there is any requirement of any Rule that the senior most Matron is ^{to} maintain~~ing~~ the roster of class III. The allotment of work prima facie is within the jurisdiction and discretion of the competent authority. The circumstances in which the competent authority would chose to shuffle the distribution of duties is basically within his discretion and judgement and the person who is aggrieved thereby should ordinarily have recourse of the higher administrative authority. I do not think that such distribution of duties can be interfered with judicially.

4. The next ground raised by the applicant is that the change of duties is a result of mala fides of opposite party No.3 and 4. The stated case is that opposite parties No.3 and 4 i.e. the Chief Medical Superintendent and the Senior Divisional Medical Officer were prejudiced against the applicant on account of her promotion in the Scheduled Caste quota. The learned counsel for the applicant has properly not laid much emphasis on this allegation, because there


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12/3

no basis for it, but nevertheless it betrays the mental attitude of the applicant.

5. It is further stated that the said opposite parties were prejudiced due to the applicant's election as Medical Branch President for which reason he had to take up the cases of employees' grievance with them as also with the Chief Medical Officer, Northern Railway, Director General of Health, Railway Board at New Delhi. The learned counsel for the applicant says that the applicant was elected as President on 12.2.89. If the applicant was working as Matron since April, 1987 as mentioned by the learned counsel for the applicant with reference to Annexure-6 and found no difficulty in her working as such, it may be that on account of her activities as a Medical Branch President it was not considered appropriate to allow her to perform the functions of maintaining class II Roster. It is too vague a statement that on account of sponsoring the grievances of the employees, the opposite parties were prejudiced against her. It is not shown that any of the grievances have been raised by the employees themselves as a prelude to the sponsoring by the applicant. I do not think that the allegation of mala fides have any prima facie foundation

6. There is no worth in the application and is dismissed.


Vice Chairman

Dated the 4th August, 1989.

RKM

83/1

Application U/s 19 of the Administrative -

TRIBUNALS Act 1985.

Before the Central Administrative Tribunal
Allahabad,
Lucknow Bench - LUCKNOW,

Smt. Kamla Devi ... Applicant
Versus
Union of India & Others ... Respondents.

I N D E X

S.No.	Description of documents relied upon.	Page No.
1.	Application	} filed in Confidential I
2.	Annexure A1	
3.	Annexure A 2	
4.	Annexure A 3	
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contd....P/2

Kamla Devi

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- 18. Annexure A 17
 - 19. Annexure A 18
 - 20. Vakalatnama.
-

Lucknow
Dated: 3/8/89

Kamla Devi
Signature of the Applicant



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH
Circuit Bench - Lucknow.

Between

Smt. Kamla Devi W/o Shri Tara Chand resident of
283 KA/303, Bharatpur (B) P.S. Khatibazar Lucknow -
presently employed at Lucknow N.Rly. Indoor Hospital
as Matron. Applicant

Versus

1. Union of India - Through Chairman,
Railway Board, Rail Bhawan,
Rail Mantralaya, New Delhi.
 2. General Manager, Northern Railway,
Baroda House, Kasturba Gandhi Marg,
New Delhi.
 3. Chief Medical Supdt. N.Rly., Lucknow.
 4. Senior Divisional Medical Officer,
I/C Indoor N.Railway, Lucknow.
- Respondents.

Details of Application : :-

1. Particulars of the order against which the
the application is made.

Order dated 30.6.89, No. Med.E/Misc/ 3 Pt IV
issued under the signature of Sri R.C. Saxena,
Senior Divisional Medical Officer for Chief
Medical Supdt. (Annexure A-1) in supercession to
letter No. Med.E/ Misc./3 Part III dated 20.6.89
issued under the signature of Chief Medical
Supdt. N.Rly. Lucknow- Annexure A-2.

2. Jurisdiction of the Tribunal :

The applicant declares that the subject
matter of the order against which he wants relief

contd...P/2

Kamla Devi

is within the jurisdiction of the tribunal and is covered in the definition of service matters Sec.3(q) (V) concerning - "any other matter whatsoever on grounds of unreasonableness and malafide."

3. Limitation :

The applicant further declares that the application is within the limitation period prescribed in Sec. 21 of the Administrative Tribunalss Act 1985.

The representation was made on 7.7.89 - copy enclosed as Annexure A3 which was replied by Sr. Medical Officer (O.P.No.4) on 11.7.89 - vide Annexure A4 requiring applicant to hand over charge without further delay.

4. Facts of the case :

- (a) The petitioner is working as Matron Grade II from 1.1.84 vide orders of the G.M. O.P.No.2- Annexure A4.
- (b) The operated strength of the cadre of Matron Gr.II in Lucknow Division was four out of whom three namely -
 - 1. Mrs. P.E. Jakob (Since deceased)
 - 2. Mrs Kamla Devi - Petitioner
 - 3. Mrs. A.Ghosh -
 were posted in Indoor Div.Hospital, Northern Railway Lucknow. The duty list of three was issued on 14.4.87 vide Notice Annexure A6 whereby the petitioner was to maintain Roster of Class III Staff of Indoor Hspital.

Kamla Devi

- (c) That opposite party No. 3 and 4 were prejudiced against the petitioner on account of her early promotion in Schedule Caste quota and also due to her election as Medical Branch President of a registered Railway Trade Union (Uttar Railway Karmchari Union) and being declared to be a protected workman thereof.
- (d) That as Branch President of the Union the petitioner had to represent cases of agrieved employees before the opposite parties Nos. 3 & 4 and at times against the opposite parties Nos. 3 & 4 before the Chief Medical Officer Northern Railway, New Delhi and Director General of (Health) Railway Board New Delhi on account of which they were further biased and prejudiced against the petitioner, on which the present D.M.O. Lucknow Sri R.C. Saxena ^{has} issued a show cause notice dated 11.7.89 - Annexure A ~~7.89~~ ₆
- (e) That this prejudice became obvious when petitioner objected against their following motivated activities which were all against the interest of the Administration :
- (1) One Sri Mohd. Farooq, Hospital Attendant was being utilized by the opposite parties 2 & 3 as O.T. (Operation Theatre) Assistant. Post of Hospital Attendant is a class IV post, while O.T. Asstt. is a Class III post. This was done without

Kamla Devi

due process of screening and seniority consideration, vide appointment letter dated 3.2.88 Annexure A⁶ and his appointment was with reference to Senior Divl. Personal Officer's letter dated 11.1.88 regarding creation of post.

- (ii) Senior D.F.O. vide his letter dated 25.3.88 Annexure A⁹ cancelled letter dated 11.1.88, thus appointment of Mohd. Farooq became without any sanctioned post, but despite that he was being utilized as O.T. Assistant.
- (iii) Petitioner wrote to D.M.O. Incharge vide letter dated 14.6.89 Annexure A¹⁰ as to where the name of Mohd. Farooq be entered as vide letter dated 25.3.88 (Annexure A⁹ referred above) the post created vide letter dated 11.1.88 had been cancelled. This further annoyed the opposite parties 3 & 4.
- (iv) Further S/Sri Surjeet Kumar and Sri Ashok Kumar were engaged as Gas Plant Operater and Gas Plant helper respectively in Operation Theatre on contract basis for 100 days as per orders of D.R.M. vide letter of Divisional Medical Supdt. N.Rly dated 10.4.85 - Annexure A¹¹ Opposite Party No.4 required the petitioner to prepare their casual labour card.vide letter Annexure A¹² dated 8.7.85. When the petitioner had not filled in their attendance and when they had actually worked for more than 100 days.

Kamla Devi

13/8/17

The petitioner did not agree to take that risk on herself in the absence of any written orders. This further caused displeasure of opposite parties Nos. 3 & 4.

(v) That the petitioner was initially proposed to be victimized by issue of S.F.5 dated 3.12.87 - Annexure A13. On a suitable reply dated 7.12.87 Annexure A14 the same is being kept in abeyance. Another explanation was called from the petitioner on 21.12.87 - Annexure A15 which was duly replied. Despite demand of documents - for showing petitioner's bonafide vide letter dated 1.11.88 the management O.P. has not replied the same nor furnished documents demanded. All this shows annoyance of the Opp. parties 3 & 4 against the petitioner.

(f) Meanwhile on 20.6.89, Chief Medical Supdt. issued orders to relieve the burden of petitioner and ordered her to handover charge of Patients records of Hospital, to Miss Wesley - copy of order is filed as Annexure A14. A2 (Supra)

(g) On this Sri R.C.Saxena, Senior D.M.O. Opposite Party No. 4 issued revised order in supersession of order dated 20.6.89 (Annexure A15 for chief Medical Supdt. - just to avenge his grievance / annoyance and ordered Miss C.Wesly to look after Class III roster i.e. staff daily posting order. and the petitioner to look after patients' records.

(h) Miss. C.Wesly is much junior Matron and was Matron

Kamla Devi

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grade III on 1.1.84 and became Matron Grade II from 1.1.86 under Pay Commission's Report, and it would be quite unjust that she would effect daily posting order on her senior.

(i) D.M.O. I/C Indoor Sri R.C.Saxena is pressing hard to hand over charge and threatening disciplinary proceedings vide copy of letter dated 7.7.89 Annexure A16.-

(j) Not satisfied with above letter dated 7.7.89, said Sr. D.M.O./ I/C Indoor Sri R.C.Saxena has again written on 11.7.89 to handover charge without further delay - vide copy of letter Annexure A24/S/89

5. Grounds for relief with legal provisions :

The expression ' condition of service ' is wide enough. and the ^{residuary} ~~resuary~~ / sub-clause (v) has been enacted to cover any other matter whatsoever. Thus orders may be assailed in court even if not in breach of rules. on the grades, besides others wants.

- (a) unreasonableness of administrative instructions under which impugned order passed.
- (b) Malafide abuse of power in passing impugned order
- The courts have power to interfere also in case of such patent unreasonableness as goes to affect statutory rights and the classification attempted is not reasonable but arbitrary.

Every power vested in an authority has to be used, bonafide and reasonably. Any executive action in bad faith and ill-motive is to be held imperative and

contd....P/7

Kamla Devi

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and the exercise of the power would be bad.

The imminent purpose being to avenge the grievance the resultant order is unlawful.

6. The applicant declares that he made representation on 7.7.89. Copy Annexure A13 (Subra) against the order dated 20.6.89 and 30.6.89 and again on 10.7.89 (vide Annexure A17) against order dated 7.7.89 and representation dated 13.7.89 (Annexure A18) against letter dated 11.7.89.

The order to hand over charge of Roster of Class III employees still stands.

7. The matter covering this application was not previously filed now is pending with any other court.
8. In view of the facts mentioned in para 6 above the applicant prays for the following reliefs : -
- (a) The order dated 30.6.89 be cancelled and the order dated 20.6.89 be allowed to stand.
 - (b) Any other relief which the Tribunal deems just and proper.
9. Pending final decision of the application the applicant seeks stay of the impugned order dated 30.6.89 and status quo to be maintained.
10. Application is being presented by Counsel.

Kamla Devi

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11. Particulars of Bank Draft Postal Order for Rs.50/-
(In the name of Registrar, Central Administrative
Tribunal, Allahabad).

Postal Order No. $\frac{DD}{4}$ 783525, dated 2.8.89.

12. Being enclosed.

1. Annexure A₁ dated 30.6.89
2. Annexure A₂ dated 20.6.89

Lucknow :

Dated : 3/8/89

Kamla Devi
A P P L I C A N T

VERIFICATION

I Kamla Devi W/o Sri Tara Chand age about 38 yrs. working as senior materen in the office of Chief Medical Supdt. Northern Railway Hospital Lucknow, resident of 283 Ka/303, Bharatpuri (B) P.S. Khalabazar, Lucknow, do hereby varity that the contents of para 1,4,6 to 10 are true to my personal knowledge and para 2,3 and 5 believed to be true on legal advice and that I have not supressed any meterial fact.

Kamla Devi
Signature of the
Applicant.

Date : 3.8.89

Place : Lucknow.

3/1

A-1

301E 201C
NORTHERN RAILWAY

301E 201C
Gen. 1912

Cons Office
N. Ry. Co

Notice

In supersession to let no med-E/misef/3-
Pt II dated 20-6-89. The following duties

of Mrs Kamla Devi and Miss C. Wesley
have been finally arranged with
immediate effect.

- 1. Smt Kamla Devi to look after patients record and dead stock
- 2. Miss C. Wesley to look after linen store instruments & class III roster

This has the approval of ems officer

Chandra
to
Genl. Supdt
N. Ry. LUCKNOW

No med. Ef/misef/3PHE
Date 30/6/89

Copy to, ems for information

- (2) Sr DMO of OPD
- (3) Sr DMO of Indoor
- (4) Smt Kamla Devi Matron
- (5) Miss C. Wesley Matron.

7
Attested
True copy
S. S. S. S. S.
3.9.89

13/12

A 2

Northern Railway
Office of the CMS/LKO.
No.

Dt. 20-6-89.

~~SECRET~~ NOTICE

~~SECRET~~

The following orders is hereby revised against each :

- Mrs. S. Kaur - Matron will take the charge of Male Medical Ward from Miss C. Wesaly - Matron.
- Miss C. Wesaly - Matron will handed over the charge of Male Medical Ward to Mrs. S. Kaur - Matron.
- Miss C. Wesaly - Matron will also take the charge of Patient's records of all Hospital from Smt. Kamla Devi - Matron.
- Smt. Kamla Devi - Matron will handed over the Pt.'s records of Hospital to Miss C. Wesaly - Matron.

[Handwritten Signature]

Chief Medical Supdt.,
N.Rly., Lucknow.

No. Med.-E/Misc./3-Pt.III Dt. 20-6-89.

- Copy to
1. Mrs. S. Kaur - Matron ✓ *Red Sley*
 2. Miss C. Wesaly - Matron
 3. Mrs. Kamla Devi - Matron ✓
 4. D.M.O. I/C., Indore.

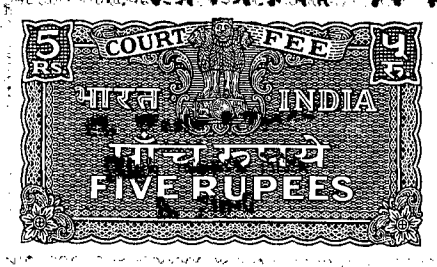
3 Copy Received
M Bore
28-6-89

*Alleshia
True copy
D. K. Astham
Advocate
3. 8. 89*

In the Central Tribunal Administration
 Application No. 19 of the Administration
 बअदालत श्रीमान महोदय

वादी (मुद्दई)
 मुद्दई (मुद्दालेह)

Tribunal Allahabad Bench
 का Circuit Bench - Avelan
 वकालतनामा



Smt. Kamla Devi

बनाम प्रतिवादी (रेस्पान्डेन्ट)
 Union of India

नं० मुद्दमा सन पेशी को ता० १९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री R. B. SRIVASTAVA

Advocate Bar Association High Court ^{वकील} ^{महोदय}
 एडवोकेट

Lawyer

को अपना वकील नियुक्त करके (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानो) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि समाप्त रहे और समय पर काम आवे।

नाम अदालत
 नं० मुकद्दमा
 नाम फरीकान

Accepted
 Officially
 Adv.

हस्ताक्षर Kamla Devi

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक 3

महीना 8 सन् १९ 89 ई०

P/1

Application U/s 19 of the Administrative -
TRIBUNALS ACT 1985.

Smt. Kamla Devi ... Applicant
Versus
Union of India & Others ... Respondents.

I N D E X

S.No.	Description of documents relied upon.	Page No.
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AS/1

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18.	Annexure	A 17	27
19.	Annexure	A 18	28
20.	Vakalatnama.		29

Lucknow:
Dated: 3/8/09

Signature of the Applicant

AS/4

A-104

A4
13/07/89
(W)

NORTHERN RAILWAY.

No. 67- med/Conf/Indoor staff Indoor Hospital
Dated July 11, 1989. Lucknow.

Matron Kamla Devi
Indoor Hosp.

Re: This office L.No.67-Med/Confid.Indoor Staff
dated 7-7-1989. &L.No.Med-E/Misc/3 Pt.IV dt. 30/6/89
Ref: Your letter dt. 10/7/89.

....

The issue of orders dated 7-7-89 have the approval of CMS. Since these are the latest orders, the earlier orders stand revoked. Hence you are advised to hand over the charge of duty roster to Matron C.Wesley without any further delay. Since the Matrons are in the same grade, it is for the Admn. to adjudge individual capability and entrust work for smooth running of the Hospital.

[Handwritten Signature]

Sr. ~~Dist.~~ Med. Officer
I/c Indoor.

Copy to CMS/LKO for information.

Allesha
Tone copy
Debi Prasad
Adveeli

NORTHERN RAILWAY

HEADQUARTERS OFFICE,
BARODA HOUSE, NEW DELHI.

NOTICE

As a result of revised cadre due to restructuring of the cadre of Matrons Gr. Rs. 700-900(RS) in terms of Board's letter No. PO-III/84/UPG/9 dated 16/11/1984, circulated under this office letter No. 561-E/255-9/Genl/PQ/Pt.V dated 16-11-1984, O.M.O. has passed the following orders of promotions of Matrons Gr. III Rs. 550-750(RS) as Matrons Gr. II Rs. 700-900(RS) against the remaining vacancies in continuation of this office Notices of even No. dated 8/7/1985 and 18/10/1985.

1) Mrs. V. Deyal, Matron Gr. II Rs. 700-900(RS) AID Division, who is officiating as such, with effect from 13/9/1985 may be given the benefit of promotion as Matron Grade II against an upgraded post with effect from 1-1-1984.

II) Smt. Kamla Devi (SC), Matron Gr. III Rs. 550-750(RS), LKO Division may be appointed to officiate as Matron Gr. II Rs. 700-900(RS) with effect from 1-1-1984 against the upgraded post of Matron Gr. II.

III) Smt. M. Sharma, P. Abraham & Baidya, Matrons Gr. III Rs. 550-750(RS) Central Hospital, New Delhi may be appointed to officiate as Matron Gr. II Rs. 700-900(RS) with effect from 1-1-1984 against three upgraded posts available at Central Hospital.

IV) The element of post of Matron Gr. II Rs. 700-900(RS) is temporarily transferred from LKO Divn. to Central Hospital and Smt. A. Harnetz (ST) Matron Gr. III Rs. 550-750(RS), Central Hospital, is appointed to officiate as Matron Gr. II Rs. 700-900(RS) with effect from 1-1-1984 against that upgraded post.

V) The element of one post each of Matron Gr. II of Allahabad, Lucknow and Delhi Division is temporarily transferred to Central Hospital and Smt. R. Escador, R. Bhajan and P.L. Mehta, Matrons Gr. III Rs. 550-750(RS) Central Hospital may be appointed to officiate as Matron Gr. II Rs. 700-900(RS) with immediate effect on provisional adhoc basis pending de-reservation against the upgraded posts so transferred.

VI) The element of post of Matron Gr. II of EKN Divn. is temporarily transferred to FZR Divn. and Smt. S.K. Kainth (SC) Matron Gr. III Rs. 550-750(RS), FZR Divn. is appointed to officiate as Matron Gr. II Rs. 700-900(RS) w.e.f. 1-1-1984 against that upgraded post.

The above promotions are provisional subject to final decision of the Writ Petition by the Supreme Court and CAT/Delhi DAR/SPE/Vig. Clearance.

(Roshan Lal)
for General Manager (P).

Rslh
12-1-87

(PTO)

Attested
True Copy
Ob. S. J. S. S. S.
Ajmal

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Am no 6

A-50 Mrs. Kamla Devi Matron Gr. II Indoor

U. A. ...
III-10 ...
...
...

Divl. Hospital
M.H. Lucknow.
D/- 14-1-1987

With the issue of promotion orders of Smt. Kamla Devi Matron to the post of Matron Grade II in Scale B.7 0-9 (HS)-Pre-revised vide Sr. M. H. Rly. LEO's Notice No: 751-B/2-9/Matron/Pt. I dt. 20.2.7 the operating strength of the cadre of Matron Gr. II in L.O. Divn. has become 4 (Four) Out of this cadre strength of four one Mrs. J.D. Lall locally Offtg. Matron Gr. II continues to be posted as Matron/and rest three namely Mrs. P.R. Jacob, Mrs. Kamla Devi Matron Gr. II and Mrs. A. Ghosh locally officiating Matron Gr. II (in terms of notice No. Med-E/Misc 3-Pt. II dt. 6.5.8) continue to be posted in Indoor.

Duty list of Matrons Gr. II and Matron Gr. III (H.S. Rajit Kaur employed in Indoor) is hereby revised by re-adjustment of duties among them as indicated below as in each.

1. Mrs. P.R. Jacob Matron Gr. II

She will ensure proper issue, upkeep and maintenance of Linen Store, Instruments and their repairs and overall administration of Indoor hospital's originating matrons.

2. Mrs. Kamla Devi Matron Gr. II

Patients She will maintain roster of Gr. C (Class III) Staff of Indoor hospital, Linen Store and other records of Indoor. In addition she will also ensure to do any other work as and when instructed to her.

3. Mrs. A. Ghosh locally Offtg. Matron Gr. II

She will ensure proper maintenance of Group 'D' (Class IV) staff roster and their administration in Indoor Hospital. She will also ensure requisite steps being taken for timely procurement etc. of oxygen required in Indoor.

4. Mrs. Rajit Kaur Matron Gr. III

She will ensure proper upkeep and management of kitchen besides issue and maintenance of Csp (Consumable and Petty items) Store items in Indoor hospital.

NOTE: - Any other work may be entrusted to any of the above staff as and when necessary

Chief Medical Officer,
M.H. Lucknow.

Ref: M d-E/Misc/3-Pt. III

Copy forwarded for information and necessary action to:

- 1. DMO/Indoor (Dr. Raj Kumar) and OPD (Dr. SP Kothari). They will please ensure compliance of revised duty list by the staff concerned with immediate effect.

*Attested
True copy
[Signature]
[Signature]*

~~A-16~~ A-16-17
A-16-17

9

NORTHERN RAILWAY.

No: 67/med/Conf/Indoor Staff
Dated July 11, 1989.

Indoor Hospital
Lucknow.

Matron Kamla Devi
Indoor Hospital.

On 8/7/1989 when DG/Health and CMO/NDLS were taking inspection round of the Indoor Hospital, you interfered in their inspection by putting forth your personal/official problems without observing the extant norms.

Please explain why disciplinary action should not be initiated against you for your such misconduct. Your reply should reach the undersigned within a week.

Sr. Divl. Med. Officer
Lucknow.

Attested
Truly
Yours
D. B. Singh
Asst. Secy.

AD 18

A-108

10
8/5/38

CIVIL HOSPITAL,
NORTHERN RAILWAY,
LUCKNOW

Dated: 3.2.1938

NOTICE

Shri Mohd Farooque Hospital Attendant Gr. No. 775-1033 (No. 85) under NS/MSO-180 having completed the training in operation and maintenance of Anesthetic gases under Central Gas Pipe supply system and obtained competency certificate dated 1.2.38 from CH/MS Nly/180 is appointed to officiate as O.T. Asstt. Gr. No. 250-350 (To operate and maintain gas plant of centralised pipe line system provided in Divisional Hospital, L. Nly., Lucknow) in Civil Hospital/LHO temporarily against newly created post vide MS/MSO's letter to CCP/Venancy/33 dated 24.2.1938.

We will work with you.

[Signature]
MEDICAL SUPERINTENDENT (I/C)
N RAILWAY, LUCKNOW.

No Med-1/Misc./3-Pt IV Dated 1/2/1938

Copy forwarded for information and necessary action to:

1. The Sr DPO/N Nly, Lucknow. He will please connect his office letter to MSO/MSO/MSO/MSO of posts dated 11.1.38 and arrange to issue necessary charge list for drawal of salary of above named employee in promotion grade. It is certified that there is no major penalty PAB/Vig/SPZ case pending against Ch Mohd Farooque in the Medical Unit.
2. Sr DPO/N. Railway, Lucknow.
3. Sup t./Pay Bill, MSO's Office, Lucknow. He will please ensure drawal of salary of above named employee in promotion grade timely and correctly.
4. MS/MSO Polyclinic Lucknow. He will please spare the above named N/A immediately to report to this Hospital.

Attested
True Copy
[Signature]
Muzaffar
Arwale

835/9

25/3/88

A-9

उत्तर लोक
No: 50/2/9/पि/पतो. का. वृजन
सयन

महानगर
दिनांक 25/3/88

पिकिता अधीक्षक प्रो. लखनउ
महानगर पिकिता अधिकार आरओडी/रसओ/लोको रोड
वकीलाप, ती/रसओ हकूमवाहय एवं अंतरंग विभाग लखनउ
कियाबाद, वाराणसी, प्रतापगढ़, बाराबंकी जैनपुर लखनपुर
रायबरेली, उन्नाव तथा हजरतगंज लखनउ ।

विषय:- आरओडी/लॉट आपरेटर केतनमान 260.350/सं.वे0 के पद पर कार्य करने हेतु विकल्प ।

इस कार्यालय के लम संवयक पत्र तृपना दिनांक 26.3.87, 25.4.87, 11.1.88 को निरस्त किया जाता है। पिकिता विभाग में कार्यरत उन तमनी कर्मचारियों ने जो केतनमान 225.300/सं.वे0 में कार्यरत है तथा हाई स्कूल पास हो, यदि वे आरओडी/लॉट आपरेटर के पद पर कार्य करने के इच्छुक हो तो अपना विकल्प तलरन प्रपुस कर दिनांक 8.4.88 तक अवश्य भेजें।

प्राप्त विकल्पों में से वरीयता के आधारे पर कर्मचारी का चयन योग्यता परीक्षा के पश्चात किया जाएगा तथा योग्य पाये गये कर्मचारी को नियुक्त से पूर्व मैतसिडिडयन आरओडी/लॉट आपरेटर के आधारे पर विभाग में नियुक्त किया जाएगा जहां से तलमता प्रमाण पत्र प्राप्त करने के पश्चात ही उन्हें नियुक्त किया जाएगा।

lakh 25/3/88
होते व0 महानगर कर्मिक आ. देवारी
लखनउ
Om 25/3/88

Attested
True copy
Deputy
Adviser

17
12/10

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DMGIR
N. R. 1/12
दिनांक 14.6.89

वेतन

बहुत ही शेष के साथ सूचित कर-पत्र
रहें कि जो श्री. काशक (आप के पि. सं. 0710
पना. अपरेटर के पद पर कार्य कर रहे हैं।
जो उनका नाम दृष्टि में श्री. कर्मचारी उपस्थित
पुस्तिका पर लिखा गया है।

दि. 25.3.88 के म. का. सं.
पद सं. डी/2.9/चि.0/ पदा का सृजन के
अनुसार; इस पद पर कार्यरत कर्मचारी को
निर्दिष्ट दरशाही गमा दे जा कि यह पद न
आप के नाम पर है। फिर भी
आप के कृपालु कार्यरत में कोई औपचारिक
मिला है कि इसका नाम दि. 25.3.88 के
पद के अनुसार कहीं लिखा गया है।
कृपया इसका औपचारिक कर दें

M Base के
16.6.89

उत्तर
NORTHERN RAILWAY

कामला देवी
मृत 50 वर्ष
दि. 5.10.88

M. S. S. S.
Tone City
D. S. S. S.
A. S. S. S.

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A-9.11

NORTHERN RAILWAY

Divisional Hospital,
Charbagn/Lucknow.
Dated: 10.4.1985.

No: 15/Med/Bills/Kos

ADMO/Anaesthesia,
Lucknow.

D.R.M. has sanctioned the Casual rates to the Operator and his Assistant for 100 days as such please ensure that they do not work more than 100 days, and if they have completed 100 days they should be removed from employment as Casual & worker.

D.P.O./LKO has already sign the contract which is to be signed within the hospital and the above staff after 100 days they should be paid on the basis of the contract.

Sd/- Dr. R. S. Lacharia
Divisional Medical Supdt. (S)
Lucknow.

copy to:

DPO who will please expedite the signing of the contract for operations the Central Pipe line unit.

DRM/LKO for information.

Sr.DAO/LKO for information.

Attested true copy

Asan w
22/4/85

Attestia
Tone Chy
D. B. S. S. S.
Adwale

A-12

Maharaj Kancha Devi. A-12 H/O.T. / ~~Quality~~ Misc

Shri. Sujit Kumar Deb. & Sachin Deb. worked as Gasplant operator. in OT ~~for~~ and Shri. Ashok Kumar Das & Late Ak Das worked as Gasplant Helper.

They were engaged as Casual Labour for 10 days - after obtaining Sanction by DRM/HRD.

These service cards (Casual Labour) has got to be completed and given to the respective persons.

Delay is mainly discomentment as such it may please be done without delay.

20/10/11
8/12
(Satisam)

B. T. P. S.

Attested
Toneless
[Signature]
H. D. Tale

A-13 (7/2/80)

No 13

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8/13

STANDARD FORM NO. 5

STANDARD FORM OF CHARGE SHEET.

(Rule 9 of the Railway Servants (Discipline and Appeal Rules, 1968)

No. 170-E/MED/Kamla Devi

Divl. Hospital/N.Rly. (Name of Railway Administration)

Place of issue) Lucknow..... Dated. 3-12-1987.

MEMORANDUM

The President/Railway BOARD/ Undersigned propose(s) to hold an inquiry against Shri/Smt. Kamla Devi, Matron/Indoor under rule 9 of the Rly. Servants (Discipline & Appeal) rules, 1968. The substance of the imputation of misconduct or mis-behaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or mis-behaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III & IV)*. Further, copies of documents mentioned in the list of documents, as per Annexure III are enclosed.

2 * Shri/Smt. Kamla Devi Matron/Indoor is hereby informed that if she so desired, she can inspect and take extracts from the documents mentioned in the enclosed list of documents (Annexure III) at any time during office hours within ten days of receipt of this Memorandum. For this purpose she should contact DMO (Indoor) I/c immediately on receipt of the memorandum.

3. Shri/Smt. Kamla Devi, Matron/Indoor is further informed that she may, if she so desires, take the assistance of any other railway servants/ an official of Railway Trade Union who satisfies the requirements of rule 9 (13) of the Railway servants (Discipline and Appeal) Rules, 1968 and note I and/are note 2 thereunder as the case may be) for inspecting the documents and assisting her in presenting her case before the Inquiring Authority in the event of an oral inquiry being held. For this purpose she should nominate one or more persons in order of preference. Before nominating the assisting railway servant(s) or Railway Trade Union Official(s) Shri/Smt. Kamla Devi Matron should obtain an undertaking from the nominee(s) that he (they) is (are) willing to assist her during the disciplinary proceedings. The undertaking should also contain the particulars of other case(s) if any,

and
- in which the nominee(s) had already undertaken to assist the undertaking should be furnished to the undersigned General Manager.....
- Railway along with the nomination.

Attested
True copy
Sd/-
Sd/-
Sd/-

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R/S

Who are in the custody of the listed documents or who would be arranging for inspection of the documents to enable that authority being mentioned in the draft memorandum.

ff To be retained where the president is the disciplinary Authority.

f To be retained wherever president or the Railway Board is the competent authority.

@ To be used wherever applicable See Rule 16(1) of the RS(D&A) Rules 1968 Not to be inserted in the copy sent to the Railway Servant.

Selected
True copy
D. S. Somani
- Arrack

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18

Statement of Articles of Charge on the basis of which action is proposed to be taken against Mrs. Kamla Devi, Matron/Indoor, Divl. Hospital N.Rly. Lucknow.

Mrs. Kamla Devi, Matron/Indoor, Divl. Hospital N.Rly. Lucknow in her capacity as such committed serious misconduct during the period from 17.12.1986 till date (29.7.87) inasmuch as:-

(1) She continued the following casual labour Safaiwala engaged as such against day to day Casualties/Absenteeism over and above Leave Reserve without sanction of the competent authority beyond 16.12.1986, the sanction of the competent authority, as available and communicated to her by ACO/N.Rly. Lucknow vide letter NO: Med/e/Misc/Subst dated 30.10.1986 being for engagement of nine Casual labour Safaiwalas for a period of two months from 17.10.1986:-

S. No.	Name of Casual labour Safaiwals	Remarks if any.
1.	2	3
1.	S/Sh. Ashok S/O Angnoo	Kept on rolls
2.	" Kishan S/O Itwari	Kept on rolls.
3.	" Baboo S/O Debi Charan	Kept on rolls.
4.	" Ram Kumar S/O _____	Kept on rolls.
5.	" Samuel S/o _____	Kept on rolls.
6.	" Baboo S/O Baboo Lal	Kept on rolls.
7.	" Rakesh S/O _____	Shown as absent from 16/12/86 to 19/12/86 and thereafter not taken on rolls.
8.	" Feroz S/o _____	He was not shown on rolls during the period ending 15.5.87 & 15.6.87 (only 2 months)
9.	" Nand Kishore S/O _____	Kept on rolls.
10.	" Fikeerey S/O _____	He was engaged for period ending 15.5.87 & 15.6.87 only two months

ii) She failed to bring the date of expiry of said sanction for engagement of nine Casual Labour safaiwalas to the notice of DMO/Indoor well in time to enable him to order their retrenchment from the date of expiry of sanction.

iii) She while making over charge to Mrs. A. Ghosh Matron in compliance with orders bearing NO. Med-E/Misc/3/Pt(18) dated 14.4.87 failed to make over charge of Casual labour Safaiwalas' records continued in employment without sanction beyond 16.12.1986- concealing the fact of continued unlawful employment of Casual labour safaiwalas as indicated in Article-1 above without sanction resulting in continuance of the said Casual labour Safaiwalas in employment without sanction even after Mrs. Kamla Devi took over new assignment of duties.

Attested.
Tone
D. S. Prasad
A. D. Cali

19 (85/17)

By her above acts of negligence of duty resulting in infructuous expenditure on unlawfull continuance of said Casual labour safaiwaks without sanction beyond 16.12.86 besides concealment of facts because recurring pecuniary loss to the Railway administration, Mrs. Kamla Devi Matron/Indoor Divl. Hospital, Lucknow exhibited her failure to maintain absolute integrity, displayed lack of devotion to duty and acted in a manner unbecoming of a Railway Servant contravening Rule 3 of Railway Services Conduct Rules-1966

[Signature]
MEDICAL SUPERINTENDENT
Medical Superintendent,
N.Rly. Lucknow

Attested
Tone C/M
[Signature]
Ajrceli

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8/19

ANNEXURE-II

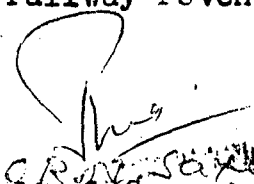
Statement of imputations of misconduct/misbehaviour on the basis of which articles of Charge framed against Mrs. Kamla Devi Matron/Indoor, Divl. Hospital N.RLY. Lucknow are proposed to be sustained.

....

Mrs. Kamla Devi Matron/Indoor Divl. Hospital N.Rly. Lucknow while working as such and controlling Class IV Staff viz Safaiwalas, Hospital Attendant etc. maintaining their attendance register was also controlling establishment and engagement of Casual labour Safaiwalas against day-to-day Casualties/ absenteeism over and above leave reserve in the cadre of safaiwala according to sanctions of the competent authority received by her from time to time during the period Oct.86 to 29.7.87. She continued S/Sh. Ashok, Kishan, Baboo S/O Devi Charan, Baboo S/O Baboo Lal Ram Kumar, Samuel, Feroz and Nand Kishore. Casual labour Safaiwalas beyond 16.12.1986 without sanction of the competent authority for engagement of Casual labour Safaiwalas despite the fact that sanction communicated to her vide ACOMO/NR/LKO's letter dated 30/10/86 for engagement of nine Casual labour Safaiwalas for two months from 17.10.86 to expired on 16.12.86. Besides, this She also engaged Fikeerey as Casual labour Safaiwala discontinuing Feroz during the period ending 15.5.87 & 15.6.87 of her own without authority.

In compliance with notice NO: Med-E/Misc/3 Pt. III dt. 14.4.87 when she made over charge of control of Class IV establishment of Indoor to Mrs. A Ghosh Matron she failed to specifically make any mention of the aforesaid casual labour safaiwalas, their complete records, currency of sanction of competent authority for their engagement, date of expiry of sanction and the fact that the said casual labour safaiwalas were being continued beyond 16.12.86 without sanction of the competent authority;

Mrs. Kamla Devi Matron/Indoor also did not bring the fact of expiry of sanction for engagement of Casual labour safaiwalas to the notice of DMO /Indoor even after 16.12.86 and as a result of her this failure timely action either to retrench the casual labour safaiwalas or to obtain sanction of the competent authority, could not be ensured by DMO/Indoor. Thus due to negligence and failure of Mrs. Kamla devi Matron Indoor to maintain norms of devotion to duty has resulted in incurrence of infructuous expenditure from the railway revenues.


C.R. Saxena
Medical Superintendent,
N.Rly. Lucknow.


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ANNEXURE-III

2/3/87

List of relied upon documents by which articles of charge framed against Mrs. Kamla Devi, Matron/Indoor, Divl.Hospital, N.Rly. Lucknow are proposed to be ~~xxx~~ sustained.


- ...
- 1.- ACMO/N.Rly/LKO's letter NO: Med/E/Misc/Subst. dt.30.10.86 addressed to ADMO I/c Indoor, Sr.DAO/LKO,DPO/Bills, LKO and Matron I/c /Indoor intimating sanction of Casual labour Safaiwalas.
 - 2.- Extract of attendance of Casual labour safaiwalas beyond 16.12.86 to 30.11.87
 - 3- Notice NO: Med-E/Misc/3-Pt.III dated 14.4.87
 - 4- Statement dated 30-11-1987 of Mrs.A.Ghosh Matron I/c regarding charge report (taking over charge from Mrs. Kamla Devi Matron/Indoor)

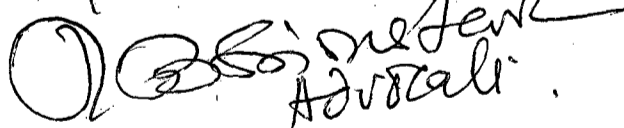

MEDICAL SUPERINTENDENT
N.RLY. LUCKNOW

ANNEXURE IV

List of Witnesses by whom the articles of charge-framed against Mrs. Kamla Devi Matron/Indoor Divl.Hospital, N.Rly. Lucknow are proposed to be sustained.

-
1. Mrs. Kusum Kumari Jain Sr.Cler (Medical) M.S.I/c Office-CB.LKO
 2. Mrs.A-Ghosh Matron Indoor.


Medical Superintendent
N.Rly. Lucknow.

Approved
True copy

Approved

14/12/87

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Annex 14

A-14

सेवा में,

श्रीमान चिकित्सा अधीक्षक,
उ००,
लखनऊ ।

संदर्भ- मानक फार्म -5 संख्या 17080/मेड/कमला देवी दिनांक-
3/12/87

महोदय,

आपके उपरोक्त मानक फार्म-5 के संदर्भ में प्रार्थिनी कमला देवी का निवेदन निम्न है :-

यह कि संलग्नक- 1 में वर्णित आरोप स्पष्ट और बोधगम्य नहीं है । यह स्पष्ट नहीं है कि संदर्भित नैमित्तिक श्रमिकों को नौकरी पर बरकरार रखते से आपका क्या तात्पर्य है तथा सक्षम अधिकारी के किस आदेश के विपरीत किया गया । यह भी स्पष्ट नहीं किया गया है न कि संदर्भित नैमित्तिक श्रमिकों को सक्षम अधिकारी द्वारा सेवा मुक्त किया जा चुका था अथवा आरोपित कर्मचारी से ही उन्हें सेवा मुक्त करने की आपेक्षा की जा रही है यह भी स्पष्ट नहीं किया गया है कि सक्षम अधिकारी द्वारा अनुमति न मिलने की सूचना जो दिनांक 30-10-86 को निश्चित हुई आरोपित कर्मचारी को कब और किसके द्वारा दी गयी । यह भी निवेदन है कि इस विषय में प्रस्तुत 27/11/87 के पत्र का उत्तर भी इसी संदर्भ में अत्यन्त आवश्यक होने के कारण उन्हें भी शीघ्रता शीघ्र उपलब्ध कराया जाये ।

आरोप संख्या (2) ऊपर उल्लिखित सक्षम अधिकारी की अनुमति न प्राप्त होने की सूचना आरोपित कर्मचारी को कब उपलब्ध करायी गयी यह स्पष्टीकरण बिना प्राप्त हुए उत्तर देना सम्भव नहीं है ।

अतः यह स्पष्टीकरण शीघ्रता शीघ्र कराया जाये ।

आरोप संख्या 3 के विषय में निवेदन यह है कि नैमित्तिक श्रमिकों का भी लेखा जोखा नियमित श्रमिकों के साथ ही साथ एक ही रजिस्टर और मास्टर रोल में रहता था क्या श्रीमती ए०घोषा ने उपरोक्त रजिस्टर प्राप्त होने की सूचना उपलब्ध करायी है यदि हां तो उसकी एक प्रतिलिपि आरोपित कर्मचारी को दी जाये ।

अतिरिक्त निवेदन
=====

उपरोक्त स्पष्टीकरण प्राप्त होने के उपरान्त आरोपों को ठीक समय लेने के हक बाद ही इन आरोपों का स्पष्टीकरण ही दिया जा सकता है । अतएव पुस्तक संख्या- 2 से 5 तक निर्धारित

Attested
7.12.87
J. S. Prasad
Director

5/21

23

19

-2-

सभी समयावधियों को उपयुक्त रूप से आगे बढ़ाने की कृपा की जाये ।

प्रशासन की सुविधा के लिए यह सूचित किया जाता है कि आरोपित कर्मचारी को मानक फार्म-5 में वर्णित आरोप स्वीकार नहीं है तथा वह यदि कोई तथ्यान्वेषण हुआ हो तो वह उसकी प्रतिलिपि की भी अधिकारिणी है तथा उस प्रतिलिपि की मांग करती है ।

प्रस्तावित जांच कार्यवाही में आरोपित कर्मचारी द्वारा निम्नलिखित बचाव सहायकों का नामांकन किया जाता है जिन्हें पत्रावली निरीक्षण का अधिकार देने की कृपा की जाये तथा सहायक के रूप में उन्हें स्वीकृत किया जाये । सहमति साथ में संलग्न है ।

सफाई के गवाहों का भी आरोपित कर्मचारी की ओर से प्रस्तुत किया जाना आवश्यक होगा जिन्हें अभियोजन पदा के साक्ष्य समाप्त होने के उपरान्त नामांकित किया जा सकेगा ।

पत्र की पावती सूचित करने की कृपा करें ।

1- श्रीबी०डी०तिवारी,
सेवानिवृत्त प्रधान टिकट संग्राहक,
96/196, रोशन बजाज लेन,
गणेशगंज, लखनऊ ।

2- श्री डी०पी०अवस्थी,
प्रवर प्रशिक्षक,
टी०एक्स आर० प्रशिक्षण केन्द्र,
कैरिज कारखाना, आलमबाग,
लखनऊ ।

3- श्री जीवन कुमार प्रवर ड्राफ्टमैन,
प्रवर मण्डल सकेत एवं दूर संचार
अधीक्षक कार्यालय, लखनऊ ।

कमला देवी
(कमला देवी)

मैट्रन ग्रेड- द्वितीय,
इन्डोर रेलवे अस्पताल,
उत्तर रेलवे, चारबाग,
लखनऊ ।
7/12/87

दिनांक 7/12/1987

I agree to ~~assist~~ assist Smt. Kamla Devi in the above case, subject to provision of reasonable facilities of self-defence to her.

Attested
for copy
Assistant
Advocate

B. D. Tewari
(B. D. Tewari
7/12/1987

A-15

29

उत्तर रेलवे
NORTHERN RAILWAY

फॉर्म 99/छोटा
Genl. 99/Small

क्र. 170-25/S/अन्यदेवी
कीर्ती कमला देवी
मैक-11 (इपॉ)।
ला.पत्र.

मंडल चिट्ठी
ला.पत्र. 21/1482

विषय: आपके पत्र से संबंधित 17/1/83
का विषय है

आपके उपरोक्त उद्योग से सम्बन्धित
यह है कि न तो आप के मेकानिक मजदूर
रिवाजों का विधानुसार किश्तियत प्रत्यक्ष
रजिस्टर में न (Maintain) किया है कि इसके
कोई रिपोर्ट आपने भी नहीं है. धोष मैरु
में दिया है. आप कृपया 25 अगस्त 1983
वर्तमान का कारण स्पष्ट करें एवं कारण बताएँ
कि 25 घण्टे अतिमितता वर्तमान के लिए
आपके विषय से लगे सेवक अनुशासन एवं आपकी
विधानवली-1968 के अंतर्गत कार्यवाही करने में
भी जाय है

जब तक सैन 1983 से आपका की
उपस्थिति पंजीकी और का संबन्ध है उनका
आप का प्रत्यक्ष सम्बन्ध में कभी भी अवलोकन
कर सकता है.

वृ. 6.3.

Attested
True copy
Ajmal

Handwritten initials in a circle: S/S

26

A No 16

A-15

NORTHERN RAILWAY.

No.67-Med/Confdl./Indoor Staff.
Dated July 7, 1989.

Divl. Hospital
Lucknow.

Matron Kamla Devi,
Indoor Hosp.
Charbagh,
LUCKNOW.

Ref:- This office letter No. Med - E/wise/3 Pt IV
Dated 30-6-89.

Reg:- HANDING OVER CHARGE OF NURSES DUTY ROSTER.
....

Vide above quoted letter, you were instructed to handover the charge of nurses duty roster to Miss C.Wesley who has been assigned the above charge but you have not complied with the above orders till date. You are again advised to carry out the above instructions without any further delay under advice to the undersigned.

Compliance report should reach the undersigned within three days from date of receipt of this letter failing which non-compliance of orders will tantamount of disobedience of orders liable to disciplinary action.

Handwritten signature

Sr.D.M.O. I/c
Indoor.

Copy to:

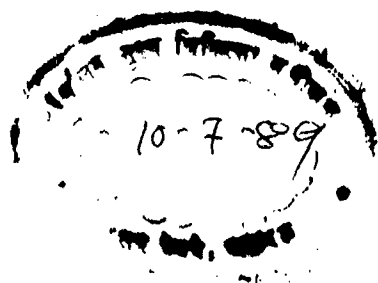
- Chief Med: Supdt/N.Rly/LKO for information.
- Confdl. folder of Matron Kamla Devi.- CA/GMS.

*Attested
Tone copy
D. S. Srivastava
Ajwala*

A-17

27
5/6
2

A-17



सेवा में,

सीनियर डी०एम०ओ०
इन्चार्ज इन्डोर,
हॉस्पिटल, लखनऊ।

विषय:— आपके पत्र संख्या 67-Med/Confidential and ops staff दिनांक 7 जुलाई, 1989 at 4.10 PM के सम्बन्ध में।

महोदय,

आप के उपरोक्त पत्र के संदर्भ में मेरा निवेदन निम्नलिखित है।

1. मैंने नर्सिंग का ड्यूटी रॉस्टर का चार्ज देने से इन्कार नहीं किया है। नियमानुसार ड्यूटी रॉस्टर किसी सिनियर मैट्रन के पास रह सकता है। सबसे जूनियर मैट्रन अपनी सिनियर नर्सिंग पर नियन्त्रण रखे तथा ड्यूटी लगाने का अधिकारी नहीं होती हैं।

मेरी घरीयता का अतिक्रमण तथा रेल के नियमों का उलंघन निहित होने के कारण उक्त आदेश पर मैंने आपत्ति मौखिक रूप में प्रस्तुत की थी, जो घरीयता के नाते मेरा भी दिसंगत अधिकार है।

2. आप का आदेश आपके हस्ताक्षरों से पारित था जबकि इसके पूर्व का दिनांक 20.6.89 का आदेश सी. एम. एस्. के हस्ताक्षर से तफुलिट हुआ था। यह आदेश अवैध था तथा घरीयता के नियमों का उलंघन होने के कारण माननीय नहीं था। सी. एम. एस्. स्वयं अपने हस्ताक्षर से ही अपने पूर्व के आदेश को बदल सकते थे। निम्न अधिकारी सी. एम. एस्. के आदेश को परिवर्तित नहीं कर सकता था।

आपके आदेश में संविधान की धारा 14 तथा 16 के उलंघन के भावना निहित थी। अत्यन्त निम्नस्तर का भी अधिकारी अपने पिछले आदेश को इस लिए नहीं बदला करते हैं कि सम्बन्धित कर्मचारी ने उस आदेश का पालन करने से इन्कार कर दिया है। कुमारी सी. वैसली की आपत्ति पर आपने सी. एम. एस्. का आदेश निरस्त कर दिया जबकि मेरी जायज आपत्ति पर भी विचार न करके अनुशासनिक कार्यवाही की धमकी दे रहे हैं। इससे संविधान की धारा 14 की अवज्ञास्वतः प्रमाणित है।

आपका आदेश इसलिए भी अवैध है कि जो कुनियर मोस्ट मैट्रन का काम है, वह ड्यूटी रॉस्टर मुझे वापस लेकर जूनियर मोस्ट कुमारी सी. वैसली को दे रहे हैं। मरीजों का रिकार्ड रखना लिपिक सम्बर्ग की ड्यूटी है। उसे मुझ पर अकारण थोपना चाहते हैं। और इतने पर भी मैंने आज्ञा पालन से इन्कार नहीं किया। आपसे केवल रेलवे के नियमों के अनुकूल कार्य करने की प्रार्थना की है। इस पर भी आपने मुझे दण्डित कराने की धमकी दी है। यह भी धारा 14 का उलंघन है।

उपरोक्त के सन्दर्भ में आदेश पर पुनर्विचार करके मुझे आगामी तीन दिनों के अन्दर सूचित करने की कृपा करें। जिससे मैं अगली आवश्यक कार्यवाही सम्पन्न कर सकूँ।

Received
M Bose
10-7-89

Attest
Tone Copy
D. S. Patel
D. S. Patel

आप को अज्ञातकारिणी
श्रीमती कमला देवी
जूनियर इन्चार्ज सलीप जेणरल
रिकार्ड इन्चार्ज, उड स्टाफ इन्चार्ज
दिनांक 10.7.89 at 9.30 AM.

5/19

No 18

28

A-18

सेवा में,

श्रीमान् प्रवर मण्डल चिकित्सा अधिकारी। ईन्डोर इंचार्ज।
उत्तर रेलवे, लखनऊ

महोदय,

सन्दर्भ: आपका कृपापत्र सं० 67 मेड/गोपनीय/ईन्डोर दि० 11-7-89

उपरोक्त पत्र के संदर्भ में निवेदन निम्नलिखित है :-

- 111 यह कि दिनांक 7-7-89 के आदेश सी०एम०एस० महोदय के स्थान पर आपके हस्ताक्षर से प्रसारित हुए हैं। दिनांक: 30-6-89 के आदेश सी०एम०एस० महोदय के अपने हस्ताक्षर से प्रसारित हुए थे विवाद उत्पन्न होने पर इस विषय में निर्णय सी०एम०एस० महोदय को स्वयं देना चाहिए था किन्तु उनके आदेश वापस लेने का पत्र भी आपके हस्ताक्षरों से प्रसारित हो रहा है। संतोष यह है कि आपने प्रतिलिपि सी०एम०एस० महोदय को भी दी है। उनकी लिखित प्रतिक्रिया प्राप्त करने के उपरान्त मुझे क्लास प्री रास्टर का चार्ज दे देने में कोई दिक्कत न होगी।
- 121 आपका आदेश मैट्रन की वरियता को भी स्पष्ट करना है। यद्यपि कि सारी मैट्रन एक ही ग्रेड की है तथापि वरियता सूची में मेरा नाम सबसे ऊपर व श्रीमती वैसली का नाम सबसे नीचे 9वें नम्बर पर है। प्रशासन को यह अधिकार है कि वह क्लास-प्री रास्टर किसी भी को दें किन्तु नियम यह है कि वरिष्ठ कर्मचारियों का नियन्त्रण कनिष्ठ कर्मचारी के हाथ में नहीं दिया जा सकता।
- 131 इस पत्र की एक प्रतिलिपि में भी सी०एम०एस० महोदय को भेज रही हूँ। आपसे व उनसे अपेक्षा यह रहेगी कि कनिष्ठ कर्मचारी को चार्ज दिलाने के स्थान पर मुझे यह अनुमति देने की कृपा करें कि मैं क्लास प्री रास्टर का चार्ज आपको प्रत्यार्पित कर दूँ तथा आप जिसे उचित समझें, उसे इस कार्य पर नियुक्त करने की कृपा करें। आगामी सोमवार तक स्पष्ट आदेश मुझे प्राप्त होंगे ऐसी आशा की जायेगी।

Handwritten signatures and notes:
13-7-89
Mase
13-7-89

भवदीय,
कमला देवी
13-7-89
कमला देवी
मैट्रन इंचार्ज
उत्तर रेलवे, लखनऊ

प्रतिलिपि:- सी०एम०एस० महोदय को उपरोक्त निवेदन के साथ प्रस्तुत।

दिनांक: जुलाई 13, 1989.

। कमला देवी ।

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
LUCKNOW CIRCUIT BENCH
Registration O.A. No.183 of 1989.

Smt. Kamla Devi Applicant
Versus
Union of India & Others. Opposite Parties.

Hon. Justice Kamleshwar Nath, V.C.

Heard the learned counsel for the applicant.
This application under Section 19 of the Administrative Tribunals Act XIII of 1985 is for quashing an order dated 30.6.89, Annexure-A1 and to restore the order dated 20.6.89, Annexure-A2, ~~para~~ concerning allotment of certain duties to the applicant in her capacity as Matron Grade II in the Lucknow Division of the Railways.



2. According to the applicant, the impugned order is in violation of sub para 9 of para 204 of the Indian Railway Medical Manual inasmuch as she being the senior most Matron has been allotted functions of lesser responsibility than Miss C. Wesaly who, according to the applicant, is junior to her. One of the functions allotted by the impugned order dated 30.6.89 to Miss Wesaly is to look after class III Roster although since 14.4.87 that function was being performed by the applicant under orders contained in Annexure-6. The grievance is that by virtue of the impugned order, Miss Wesaly will be in a position to effect daily posting orders on her seniors.

3. A perusal of sub para 9 of para 204 of the Indian Railway Medical Manual which deals with duties and responsibilities of the various categories of the

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employees of the Medical Department, would show that various types of duties (enumerated in 14 clauses) may be allotted to "Matron (grade I, II and III)". In other words, any of the Matron of grade II (with which this case is concerned) may be entrusted with any of the duties specified in these 14 clauses. There can be no legal grievance against allotment of one or the other of the duties to the different Matrons within with same grade. It has not been shown that there is any requirement of any Rule that the senior most Matron is maintaining the roster of class III. The allotment of work prima facie is within the jurisdiction and discretion of the competent authority. The circumstances in which the competent authority would chose to shuffle the distribution of duties is basically within his discretion and judgement and the person who is aggrieved thereby should ordinarily have recourse of the higher administrative authorities. I do not think that such distribution of duties can be interfered with judicially.



The next ground raised by the applicant is that the change of duties is a result of mala fides of opposite party No.3 and 4. The stated case is that opposite parties No.3 and 4 i.e. the Chief Medical Superintendent and the Senior Divisional Medical Officer were prejudiced against the applicant on account of her promotion in the Scheduled Caste quota. The learned counsel for the applicant has properly not laid much emphasis on this allegation, because there is

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no basis for it, but nevertheless it betrays the mental attitude of the applicant.

5. It is further stated that the said opposite parties were prejudiced due to the applicant's election as Medical Branch President for which reason he had to take up the cases of employees' grievance with them as also with the Chief Medical Officer, Northern Railway, Director General of Health, Railway Board at New Delhi. The learned counsel for the applicant says that the applicant was elected as President on 12.2.89. If the applicant was working as Matron since April, 1987 as mentioned by the learned counsel for the applicant with reference to Annexure-6 and found no difficulty in her working as such, it may be that on account of her activities as a Medical Branch President it was not considered appropriate to allow her to perform the functions of maintaining class III Roster. It is too vague a statement that on account of sponsoring the grievances of the employees, the opposite parties were prejudiced against her. It is not shown that any of the grievances have been raised by the employees themselves as a prelude to the sponsoring by the applicant. I do not think that the allegation of mala fides have any prima facie foundation.

6. There is no worth in the application and is dismissed.


Vice Chairman

Dated the 4th August, 1989.

RKM

**Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow**