

(34)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1081/92 &
MA.107/93

Date of decision : 11-2-93

Between

1. Shaik Noorjahan Bee, and
2. Smt. Lilly Mercy Grace : Applicants

and

1. Chief Personnel Officer
South Central Railway
Secunderabad

2. Chief Medical Officer
South Central Railway
Secunderabad

3. Smt. S. Padmavathi
Working as Nursing Sister (PHN)
Railway Hospital
Hubli

4. I. Viswa Bharati
Nursing sister (PHN)
Railway Hospital
South Central Railway
Guntakal

5. V. Pushpa Rajyam
Nursing Sister (PHN)
Railway Hospital
SC Railway, Lalaguda
Secunderabad

: Respondents

Counsel for the applicants : S. Lakshma Reddy
Advocate

Counsel for the respondents : J.R. Gopal Rao, Standing
counsel for Railways

CORAM :

HON. MR. JUSTICE V. NEELADRI RAO, VICE-CHAIRMAN

HON. MR. R. BALASUBRAMANIAN, MEMBER (ADMN.)

(35)

JUDGEMENT

(Order as per Hon. Mr. Justice V. Neeladri Rao, VC)

The two applicants were appointed as Nursing Sisters. The next promotion is to the post of Matron Grade III, for which a written test and viva-voce are to be conducted as per rules from amongst the Nursing Sisters. It is indisputable that thrice the number of persons to be promoted have to be allowed to appear for the written test. As the respondents intended to promote 22 persons to the post of Matrons, 66 Nursing sisters were called for the written test. The two applicants herein and R-3 to R-5 are amongst those 66. It is contended for the applicants that the respondents had wrongly included R3 to 5 and another in the Seniority list of Nursing sisters and hence they should not have been allowed to appear for the written test.

2. This OA is filed praying for the following relief :

The applicants herein pray that this Hon. Tribunal may be pleased to call for the records relating to the impugned letter dated 25-9-1991 in proceedings No.P(MD)529/FWO/Vol.IV interpolating the seniority of the respondents 3 to 5 in the seniority list of Nursing sisters in the scale of Rs.1640-2900 in the Medical department above the applicants without notice to them and consequential selections conducted in pursuance of the alert notice through proceedings No.P(MD)608/Matron/Vol.III dated 26-8-1992, and quash the same as illegal and without jurisdiction and to pass such other order or orders as this Hon. Tribunal may deem fit and proper in the circumstances of the case.

3. After this OA is filed, the respondents realised that R3 to 5 and another were wrongly included in the seniority list of Nursing Sisters and hence their names were excluded and they are not called for viva-voce.

(36)

3

4. Heard Mr. S. Lakshma Reddy, counsel for the applicants and Mr. J.R. Gopal Rao, standing counsel for Railways.

5. It is now contended for the applicants that as 66 persons should have been called for appearing for the written test and as only 62 eligible candidates were permitted to appear for the written test, there is irregularity in the entire selection process and hence it had to be set aside. But as no prejudice is caused to the applicants they cannot question the said irregularity in the process. Hence this OA does not merit further merit consideration and accordingly it is dismissed.

As the OA is dismissed, MA.107/93 had become infructuous and accordingly it is also dismissed. No order as to costs.

✓
(V. Neeladri Rao)
Vice-Chairman

R. Balasubramanian
(R. Balasubramanian)
Member(Admn)

Dated : February 11, 1993
Dictated in the Open Court

5/3/93
Deputy Registrar

To

1. The Chief Personnel Officer, S.C.Rly, Secunderabad.
2. The Chief Medical Officer, S.C.Rly, Secunderabad.
3. One copy to Mr. S.Lakshma Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.J.R.Gopal Rao, SC for Rlys, CAT.Hyd.
5. One spare copy.

pvm

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