

FORM NO. 21

(See Rule 114).

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

OA / TA / RA / CP / MA / PT .. / 49 of 1993

..... S. Padmanabhi & 28s, Applicant(s)

Versus

..... The Chairman, P.U. Board, Respondent(s)
Rail Bhawan, New Delhi & 28s

INDEX SHEET

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Interim Orders		
Counter Affidavit	23-2-93	53 to 55
Orders in M.A(s)		56 to 65
Orders in (Final Orders)	14-2-93	67 to 77

Signature of
Dealing Hand
(in Record Section).

*self
21/5/97*

Certified that the file is complete
in all respects.

Signature of S.O.

Date	Office Note	Orders
		<p>challenge. It is stated that the interview is taking place tomorrow i.e. on 24-2-93 according to the posts of matrons and the applicants are not being interviewed in view of the impugned order.</p> <p>We have heard both the parties and having perused the averments in the application we are satisfied that in the interest of justice, the Respondent 3, Chief Personnel Officer (South Central Railway, Secunderabad) should be directed to provisionally interview the 3 applicants also tomorrow or on any other day to which the interview may be postponed and they should also be considered along with other candidates on a provisional basis. The result of the interview shall not be published by the respondents until further orders. To enable the 3rd respondent to make arrangements to interview the applicants, the applicants are directed to report to the respondents at 9-15 when the office opens. The applicants are directed to carry with them a copy of this Interim order when they meet the respondents.</p> <p>Issue one copy of the Interim order to the applicants and also to the respondents to-day.</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A. NO./T.A. NO. SP 445/93 149 99 3

S. Padmanabhi and 2 others Applicant (S)

The Chairman, Oly Board, Rail Bhawan Respondent (S)
New Delhi, dated 2-3-93

Date	Office Note	Orders
23-2-93	<p>Dr. Lakshminarayana and Dr. Bhuvaneswari for the applicants to appear.</p> <p>memo of APP. filed by Mr. V. Krishnamma, SC for Olys on 24/2/93</p>	<p><u>Lunch motion</u> MA 156/93</p> <p>In the circumstances referred to in the application, MA 156/93 seeking permission to add additional applicants in a single original application is allowed.</p> <p><u>Admit the OA.</u></p> <p>The applicants are directed to file the counter.</p> <p>The applicants have prayed for an Interim order. We have heard /</p> <p><u>It</u> is submitted that the applicants who were public health nurses were directed to be integrated with the category of nursing sisters by an order No. E(NG)/II/83/PO/135 dated 3-5-83. However, subsequently, by the impugned order No. P(MD) 529/TWO dated 28-12-92, the respondents have stated that the earlier decision was taken on a wrong interpretation and that order has been cancelled. The order dated 28-12-92 is impugned and is under</p>
25.2.93:		<p>order res-</p> <p>6/4</p>

(3)

9A.685/93 in 0A.149/93

Date	Office Note	Orders
13.9.93		<p>Let the respondent file a reply to 9A.685/93. Both the counter affidavit in 0A.149/93 and the reply to the present 9A.685/93 shall be filed within 6 weeks.</p> <p>Fix the case for orders on 13.10.93.</p> <p>T.C.M.T. <i>HTCSR</i> <i>MCJ</i> <i>HABG</i> <i>9(A)</i></p>
17-11-93		<p>Post this case for orders on 23-11-93. Reply by the respondent in the mean time.</p> <p>T.C.M.T. <i>HTCSR</i> <i>MCJ</i> <i>HABG</i> <i>9(A)</i></p>
1-12-93	Counter filed by Mr. V. Bhimanna, se for Rlys on 25/11/93.	<p>Adjourned to 2-12-93.</p> <p>T.C.M.T. <i>HTCSR</i> <i>MCJ</i> <i>HABG</i> <i>9(A)</i></p>

Central Administrative Tribunal

HYDERABAD BENCH

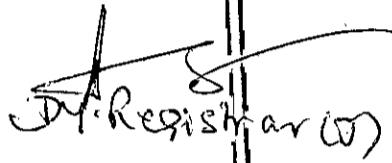
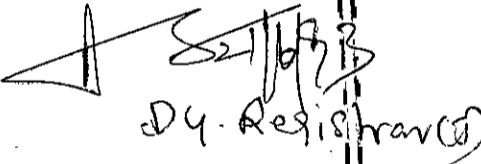
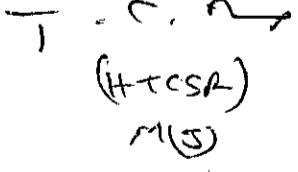
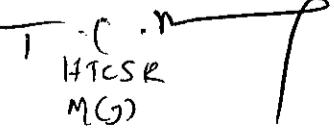
(2)

O.A. No./T.A. No. 149/93 19

Versus

Applicant(s)

Respondent(s)

Date	Office Note	Orders
6-4-93	<u>Service</u> <u>Rs. 1003 Seized</u> <u>Before the D.R. (CJ)</u> <u>for Counter</u>	Post an 21-6-93 for filing Counter  D.Y. Registrar (O)
21-6-93	<u>Before the D.R. (CJ)</u> <u>for steps Counter</u>	Counter is not filed. Hence post before Court for orders  D.Y. Registrar (O)
23-6-93		Six weeks time granted for filing counter. Thereafter, list the case for final hearing in its turn.  T.C.R. (H.TCSR) M(S)
7/9/93		on the request of the applicant counsel, post it for orders on 13-9-93.  T.C.R. H.TCSR M(S)
		 H.A.B.G. M(A)

(P.T.O.)

MA. 685/93
OA 149/93

(4)

Date	Office Note	Orders	
2-12-93		Adjourned to 19-1-94. T. C. n/p HTCSR M(S)	
<u>19/1/94</u>		None for the applicat. Readings are complete the case (together with final hearing in its turn).	
		T. C. n/p. d HTCSR M(S)	
12-2-97		List it on 14-2-97. Heard Sri V. Bhimamay, Standing counsel for the respondent and Sri T. Lakshminarayana, counsel for the applicant.	
14-2-97		P HBS SP M(S)	HRRN M(A)
		O.A. ordered according to order on separate sheets.	
		No costs.	
		HBS SP M(S)	HRRN M(A)

L.M
CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

ORIGINAL APPLICATION NO. 149 OF 1993

Shri S. Padmasathi & 26 _____ Applicant(s)

versus

Chairman, Ry. Board, N. Delhi

26

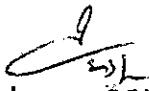
Respondents(s)

This application has been submitted to the Tribunal.

By Mr. T. Leppanayagam Advocate _____ Advocate

under section 19 of the Administrative Tribunal Act. 1985 and same has been scrutinised with reference to the points mentioned in check list in the light of the provisions contained in the Administrative Tribunal (Procedure) Rules, 1987.

The application has been in order and may be listed for admission on 25-2-93


Scrutiny Officer.

Deputy Registrar (J)

Particulars to be examined

Endorsement as to result of examination

8. Has the index of documents been filed and has the paging been done properly? 4

9. Have the chronological details of representations made and the outcome of such representation been indicated in the application? 9

10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal? 1

11. Are the application/duplicate copy/spare copies signed? 4

12. Are extra copies of the application with annexures filed.

- (a) Identical with the original 9
- (b) Defective 1
- (c) Wanting in Annexures 2
- No...../Page Nos.....?
- (d) Distinctly Typed? 1

13. Have full size envelopes bearing full address of the Respondents been filed? 4

14. Are the given addresses, the registered addresses? 1

15. Do the names of the parties started in the copies, tally with those indicated in the application? 1

16. Are the translations certified to be true or supported by an affidavit affirming that they are true? 1

17. Are the facts for the case mentioned under item No. 6 of the application.

- (a) Concise? 9
- (b) Under Distinct heads? 1
- (c) Numbered consecutively? 2
- (d) Typed in double space on one side of the paper? 9

18. Have the particulars for interim order prayed for, stated with reasons? 4

my belief
Bh

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

APPLICANT (S) *S. Padmanabha & 26*

RESPONDENT (S) *Chairman, M. Board, N. N. N. 226*

Particulars to be examined

Endorsement as to result
of examination

1. Is the application Competent ? *Y*
2. (a) Is the application in the prescribed form ? *Y*
(b) Is the application in paper book form ? *Y*
(c) Have prescribed number complete sets of the application been filed ? *Y*
3. Is the application in time ? *Y*
If not by how many days is it beyond time ?
His sufficient cause for not making the application in time, stated ?
4. Has the document of authorisation / Vakalat name been filed ? *Y*
5. Is the application accompanied by B.D./I.P.O. for Rs. 50/-? Number of B.D. / I.P.O. to be recorded. *Y*
6. Has the copy/copies of the order (s) against which the application is made, been filed ? *Y*
7. (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed ? *Y*
(b) Have the documents referred to in (a) above duly attested and numbered accordingly ? *Y*
(c) Are the documents referred to in (a) above neatly typed in double space ? *Y*

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

INDEX SHEET (ORIGINAL)

O.A. NO. 149 of 1993

CAUSE TITLE S. Padmanabhi and 2 others

VERSUS

The Chairman Rly Board and Rail Bhawan
New Delhi and 2 others

Sl.No.	Description of Documents	Page No.
1.	Original Application	<u>1/10/18</u>
2.	Material papers	<u>1/10/26</u>
3.	Vakalat	
4.	Objection Sheet	
5.	Spare Copies	<u>3</u>
6.	Covers	<u>3</u>

By to declare the seniority list of Nursing Sisters Published in Proceeding dt 1-7-92
as Valid.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

AT HYDERABAD.

Buckles

O.A. NO. 149 of 1993

Between

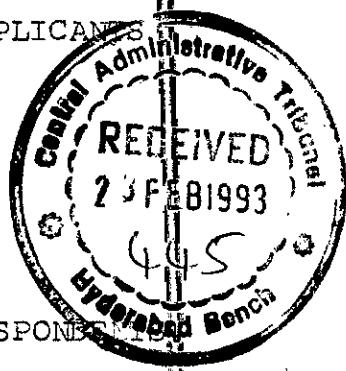
S. Padmavathi and
2 others.

and

Union of India, rep.
by Chairman,
Railway Board,
Rail Bhavan,
NEW DELHI
and 2 others.

APPLICANT'S

RESPONDENT'S



I N D E X.

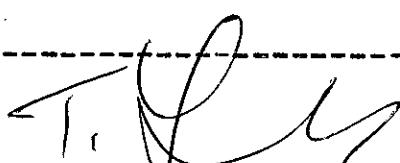
Sl No.	Date.	Ref. No. and Particulars.	ANNE-XURE No.	Page No.
1.	28-9-1981	Letter addressed by the Chairman, Railway Recruitment Board addressed to applicant No.3 indicating scale of pay of MMKX Public Health Nurse as Rs.455-700 (RS).	I	1
2.	3-5-83	Railway Board's Circular No. E(NG)II-83/P.O./135 addressed to all General Managers of the all Indian Railways.	II	2 to 4
3.	19-6-85.	Railway Board's circular No. PCIII-79/Standardisation/3 addressed to General Managers of all Indian Railways.	III	5 to 8
4.	27-1-88	Railway Board's letter No.E(NG)I/87/PM/20/2 to General Managers of all Indian Railways regarding Cadre Restructuring & isolated posts	IV	9
5.	20-9-90 & 21-9-90	Minutes of Permanent Negotiating Machinery Meeting No. DXII in Subject No.2 held by General Manager with the South Central Railway Employees Sangh, Secunderabad.	V	10
6.	5-11-90	Proceedings No.P/MD/529/FWO /Vol.IV issued by the Chief Personnel Officer, South Central Railway, Secunderabad.	VI	11 & 12

*Recd.
S. Chandra Sekhary
14/2/93
23/1/93*

....2.

Sl No.	Date.	Ref. No. and particulars.	ANNEXURE No.	Page No.
7.	25-9-91	Office Order No. MD-63/91 communicated in Proceedings No. P(MD)529/FWO /Vol. IV issued by the Chief Personnel Officer containing the decision arrived at in the Permanent Negotiating Machinery meeting No. LXV held by General Manager with the South Central Railway Employees Sangh, in subject No. 8.	VII	13
8.	1-7-92	Provisional Seniority List released by the Chief Personnel Officer, Secunderabad in proceedings No. P(MD)612(NS) /Vol. II with annexure of Nursing Sisters.	VIII	14 & 15
9.	26-8-92	Notification No. P/MD/608/Matron /Vol. III issued by Chief Personnel Officer with annexures of eligible candidates alerted to attend written test for filling up posts of Matrons.	IX	16 to 20
10.	23-11-92	Proceedings No. P(MD)608/Matron /Vol. III issued by Chief Personnel Officer, Secunderabad publishing the results of the written test.	X	21 & 22
11.	28-12-92	Memorandum No. P(MD)529/FWO issued by Chief Personnel Officer.	XI	23
12.	12-1-93	Proceedings No. P(MD)612/NS /Vol. III issued by Chief Personnel Officer.	XII	24
13.	25-1-93	Reply of South Central Railway Employees Sangh (Recognised Trade Union) to Chief Personnel Officer raising objections for deleting the names of applicants from the seniority list of Nursing Sisters.	XIII	25. & 26.

Hyderabad,


COUNSEL FOR APPLICANTS

dt: 5-2-1993.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A. No. 149 of 1993

Between

S. Padmavathi
and 2 others.

.. APPLICANTS.

and

Union of India, rep. by
Chairman,
Railway Board,
Rail Bhavan, New Delhi
and 2 others.

.. RESPONDENTS.

CHRONOLOGICAL STATEMENT OF EVENTS.

Sl

No. Date.

Event.

1.	1-12-72	Applicant No.1 was appointed as Public Health Nurse through Railway Service Commission in scale Rs.455-700 (RS).
2.	21-12-76	Applicant No.2 was appointed as Public Health Nurse through Railway Service Commission in scale Rs.455-700 (RS).
3.	28-4-82	Applicant No.3 was appointed as Public Health Nurse through Railway Recruitment Board in scale Rs.455-700 (RS).
4.	3-5-83	Railway Board issued circular for absorption of Public Health Nurses as Nursing Sisters from Family Welfare Organisation to Medical Department.
5.	19.6-85	Railway Board issued circular changing designation of Public Health Nurse as Nursing Sister for absorption in Medical department in same scale, seniority etc.,
6.	27-1-88	Railway Board issued Circular for creation of avenues of promotions to isolated Categories.
7.	20-9-90 21-9-90	Permanent Negotiating Machinery meeting No.LXII held by General Manager with South Central Railway Employees Sangh - Minutes recorded in Subject No.2 regarding absorption of Public Health Nurses into Medical Department.

Sl

No. Date.

Event.

8. 5-11-90 Chief Personnel Officer issued proceedings wherein it was stated that the Public Health Nurses in scale Rs.455-700/1640-2900 (RSRP) are absorbed as Staff Nurses in scale Rs.425-640/Rs.1400-2600 (RSRP).

9. 25-9-91 Chief Personnel Officer issued proceedings mentioning that in pursuance of decision taken in P.N.M. Meeting held by General Manager with S.C.Railway employees Sangh (Meeting No.LXV) held on 21-8-91 and 22-8-91, the seniority of Public Health Nurses is interpolated in the seniority list of Nursing Sisters in same pay scale in Medical Department.

10. 1-7-92 Seniority List of Nursing Sisters in scale Rs.1640-2900 (RSRP) interpolating names of applicants issued by the Chief Personnel Officer.

11. 26-8-92 Chief Personnel Officer issued proceedings notifying the selection to post of Matron duly attaching a list of eligible candidates i.e Nursing Sisters.

12. 23-11-92 Chief Personnel Officer released a list of qualified candidates in written examination for promotion to post of 'Matron' including the applicants.

13. 28-12-92 Memorandum issued by Chief Personnel Officer serving notice to applicants for deleting names from Seniority list of Nursing Sisters.

14. 12-1-93 Chief Personnel Officer issued letter stating that names of applicants stand deleted from the Seniority List duly cancelling the earlier decision communicated in letter dated 25-9-91.

14. 25-1-93 Recognised Trade Union i.e South Central Railway Employees Sangh expressed objections to Chief Personnel Officer for deleting the names of applicants from Seniority List of Nursing Sisters and for absorbing them ~~xx~~ in lower grade as Staff Nurse.

Hyderabad,

Dated: 5-2-93.

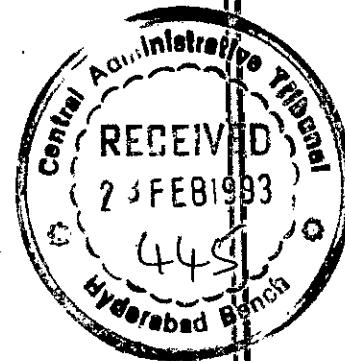

COUNSEL FOR APPLICANTS

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNALS ACT, 1985.

FORM NO. 1

(See Rule- 4)

FOR USE IN TRIBUNAL's OFFICE:



Date of filing:

Registration No.:

Signature of Registrar.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A. No. 149 of 1993

Between

1. S. Padmavathi
aged about 46 years,
Wife of D/o S. Basavaiah
Public Health Nurse,
Railway Hospital,
South Central Railway,
Hubli (Karnataka State).
2. I. Viswa Bharati,
Aged about 40 years,
D/o W/o ~~Prasad~~
Public Health Nurse,
Railway Hospital,
South Central Railway,
Guntakal.
3. V. Pushpa Rajyam
aged about 40 years,
W/o M. Christopher
Public Health Nurse,
Railway Hospital,
Lallaguda,
Secunderabad.

APPLICANTS

and

1. Union of India, rep.
by the Chairman,
Railway Board,
Rail Bhavan,
NEW DELHI.
2. General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad

T. D. L.

3. The Chief Personnel Officer,
South Central Railway,
Rail Nilayam,
Secunderabad.

.. RESPONDENTS.

DETAILS OF THE APPLICATION:

1. Particulars of the applicants:-

(i) (a) Name of the applicant: S. Padmavathi
(b) Age: About 46 years
(c) Father's name: S. Basavaiah
(d) Designation & Office where working. Public Health Nurse, Railway Hospital, South Central Railway, Hubli
(e) Address for service of all Notices etc. T. Lakshminarayana, Advocate, H. No. 2-2-185/54/2/D, Third lane, Behind Iyyappa Temple, Bagh Amberpet, Hyderabad.

(ii) (a) Name of the applicant: I. Viswa Bharati
(b) Age: About 40 years
(c) Father's/Husband's name: Prasad.
(d) Designation & Office where working. Public Health Nurse, Railway Hospital, South Central Railway, Guntakal.
(e) Address for service of all Notices etc. T. Lakshminarayana, Advocate, H. No. 2-2-185/54/2/D, Third Lane, Behind Iyyappa Temple, Bagh Amberpet, Hyderabad.

(iii) (a) Name of the applicant: V. Pushpa Rajyam
(b) Age: about 40 years
(c) Husband's name: M. Christopher
(d) Designation & Office where working. Public Health Nurse, Railway Hospital, South Central Railway, Lallaguda, Secunderabad.
(e) Address for service of all Notices etc. T. Lakshminarayana, Advocate, H. No. 2-2-185/54/2/D, Third Lane, Behind Iyyappa Temple, Bagh Amberpet, Hyderabad.

2. Particulars of Respondents:

For the purpose of service of all Notices etc., the particulars of the Respondents are the same as mentioned in the cause-title.

3. Particulars of the order/orders against which the Application is filed:-

(i) (a) Order No.	.. P(MD)529/EWO
(b) date:	.. 28-12-1992
(c) passed by:	.. Chief Personnel Officer, (R-3)
(ii) (a) Order No.:	.. P(MD)612/NS/Vol.III
(b) Date:	.. 12-1-1993
(c) Passed by:	.. Chief Personnel Officer. (R-3).

SUBJECT IN BRIEF:

The applicants are recruited directly as Public Health Nurses in scale Rs.455-700 corresponding to scale Rs.1640-2900(IV-PC). Consequent to the decision to merge the Public ~~Health~~ Nurses into cadre of Nursing Sisters by changing the designation without change in grade, seniority etc., their names were interpolated into the Seniority List of Nursing Sisters. By impugned orders, their names were deleted by the Respondent No.3 from Seniority List thereby preventing them from appearing *viva voce* to next promotional post of 'Matron' in scale Rs.2000-3200 for which they have already qualified in the written test. The applicants are thus aggrieved by the impugned orders and hence this O.A.

4. Jurisdiction of the Tribunal u/s-14 of the Administrative Tribunals Act, 1985:-

The applicants declare that the subject matter of the O.A. pertains to service conditions of the Civil servants of the Union of India and that applicants No.2 and 3 as also the Respondents No.2 and 3 reside within the State of Andhra Pradesh and therefore this Hon'ble Tribunal has got jurisdiction to entertain this O.A.



5. Limitation U/s-21 of the Administrative Tribunals Act, 1985:-

The applicants further declare that the impugned orders are passed by the Respondent No.3 on 28-12-1992 and 12-1-93 by which the applicants are prevented from appearing in viva voce test to be held on 24-2-93 for the post of 'Matron' and there is no speedy and efficacious alternative remedy than to approach this Hon'ble Tribunal for the reliefs and hence within the limitation under section 21 of the Administrative Tribunals Act, 1985.

6. FACTS OF THE CASE:-

6.1 It is submitted that all the applicants were initially recruited as Public Health Nurses in pay scale of Rs.455-700 (RS) corresponding to scale of pay Rs.1640-2900 in IV-Pay commission scales through the Railway Service Commission/Railway Recruitment Board. All the applicants possess the qualification of B.Sc., (Nursing) which is required for the recruitment of the post of a Public Health Nurse. Applicant No.1 herein was appointed as Public Health Nurse on 1-12-1972; Applicant No.2 was appointed on 21-12-1976 while the Applicant No.3 was appointed on 28-4-1982. Letter dated 28-9-1981 issued to third applicant herein by the Chairman, Railway Service Commission, Secunderabad indicating the selection as Public Health Nurse for which scale of pay is mentioned as Rs.455-700 is attached as ANNEXURE-I-P-1.

6.2 It is submitted that the main O.A. is filed against the impugned order No.P(MD)529/FWO dated 28-12-92 and the subsequent communication P(MD)612/NS/ Vol.III dated 12-1-1993 issued by the Chief Personnel Officer and Respondent No.3 herein. It is submitted that in the Respondents' department, to promote Family Welfare work, a separate wing viz Family Welfare



Organisation is formed within the Medical Department. In the said organisation, a few posts of Public Health Nurses in scale of pay Rs.455-700 (RS) with necessary qualifications viz B.Sc., (Nursing) are existing. The applicants No.1 to 3 were recruited through the Railway Service Commission/Railway Recruitment Board directly and appointed as Public Health Nurses. While it was so, the Ministry of Railways (Railway Board) issued circular No.E(NG)II-83/P.O/135 dated 3-5-1983 addressed to General Managers of all Indian Railways (ANNEXURE-II-P-2 to 4) wherein it was stated that vide Railway Board's letter dated 22-5-1979 instructions were issued for conversion of 254 non-gazetted posts held by staff of Family Welfare Organisation on the Indian Railways are made permanent. It was further stated that after conversion of the temporary posts into permanent posts in the year 1979, the Ministry of Railways was considering the question of formation of the cadre of Family Welfare Organisation and it has been decided in 1983 that the posts of Lady Health Visitors will be retained as separate category in the Medical Department. The said Lady Health Visitor post is a lower post to Public Health Nurse. The said Lady Health Visitors need a lesser qualification to hold that post. It is submitted that in the Railway Board's letter dated 3-5-83 it is clearly stated that the Public Health Nurses with necessary qualifications will be absorbed in the Medical Department of the Railways. Consequent to the absorption, the available vacancies of Public Health Nurses will be filled by Lady Health Visitors in the resultant vacancies by following the due procedure.

T. J. S.

6.3 It is submitted that no steps were taken by the Railways for absorption of the Public Health Nurses in the Medical Department pursuant to the Railway Board's circular dated 3-5-1983. It is further submitted that the Railway Board issued another circular No. PC-III-79/Standardisation/3 dated 19-6-1985 (ANNEXURE-III-P-5 to 8) addressed to the General Managers of all Indian Railways. In the said circular dated 19-6-1985, it was stated that the Railway Ministry pursuant to the observations of the III-Pay Commission considered the question of standardisation of designations of various categories of posts in the Medical Department and it was decided that the existing designations of various categories of both Group- 'C' and Group- 'D' posts be replaced by the standardised designations as mentioned in the Annexure to the circular. It was further made clear by the said circular that the revised designations should be adopted without change in the pay scales, method of recruitment, seniority and avenues of promotions. In the Annexure to the Railway Board's circular dated 19-6-85, in column No.2 the existing designations were indicated; in column-3 the reference number to the pay schedule was indicated; in column-4 the revised designations were indicated and column-5 the revised pay scale was mentioned. In that circular's annexure, as per item No.11, the existing designation of Public Health Nurse was revised as "Nursing Sister" while the scale of pay of Rs.455-700(Rs) remain unchanged both in the old designation and also in the ~~new~~ revised designation as was referred to in pay schedule No.27 of III-Pay Commission. In the same Railway Board's letter, at item No.41, against the existing Public Health Nurses, the revised designation was stated to be "Nursing Sister" as per reference to pay schedule No.27 of III-Pay



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Commission. However, the scale of pay was wrongly mentioned as Rs.425-700 instead of Rs.455-700 (RS) in as much as there is no scale of Rs.425-700 in the Nursing Sister cadre on that date. The said fact of mistake is evident in the same Railway Board's circular - item No.4 of Annexure where the scale of pay of 'Nursing Sister' is mentioned as Rs.455-700 (RS) and Staff Nurse scale is mentioned as Rs.425-640 (RS). Staff nurse category is not existing in the Family Welfare Organisation.

6.4 It is submitted that pursuant to the Railway Board's instructions, steps were taken for absorption of Public Health Nurses into the Medical Department in the cadre of "Nursing Sisters" duly changing the designation of Public Health Nurse as 'Nursing Sister' as the scales of pay of Public Health Nurse and Nursing Sister is one and the same i.e Rs.455-700 (RS). It is submitted that the Railway Board issued another circular No.E(NG)I/87/PM/20/2 dated 27-1-1988 (ANNEXURE-IV-P-9) addressed to General Managers of all Indian Railways suggesting that appropriate action may be taken by the Railway Administrations and if considered necessary recast the channels of promotion in respect of the isolated categories. Public Health Nurse category is one which is isolated one and no avenue of promotion for advancement. The Railway Board also issued guide-lines in this regard for taking action by Railway Administrations in consultation with the Recognised Unions. Accordingly the General Manager and Respondent No.2 herein called for Permanent Negotiating Machinery (PNM) meeting No.LXII on 20-9-90 and 21-9-90 with the South Central Railway Employees' Sangh. In that meeting and subject (ANNEXURE-V-P-10) No.2 it was recorded in the minutes/that Public Health Nurses recruited by the Railway Recruitment Board will be straight-way absorbed in the cadre of Nurses with protection of seniority for which orders will be issued

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immediately. Pursuant to that, the Chief Personnel Officer and Respondent No.3 herein issued proceedings No.P(MD)529/FWO/Vol.IV dated 5-11-1990 (ANNEXURE-VI Pages-11 & 12) wherein it was stated that the Public Health Nurses in scale Rs.455-700 corresponding to the scale Rs.1640-2900 in IV-Pay Commission are absorbed as Staff Nurses in scale Rs.425-640 corresponding to scale Rs.1400-2600 in IV-Pay Commission in the Medical Department. In that proceedings, the names of applicants were mentioned. However, this is a wrong/defective order in as much as Public Health Nurses ^{who} are in scale Rs.455-700 corresponding to scale of pay Rs.1640-2900 in IV-Pay Commission are sought to be absorbed in lower scale category viz Staff Nurses for which scale is Rs.425-640 corresponding to scale of pay Rs.1400-2600 in IV-Pay Commission thereby amounting to reduction in rank. At the outset it is submitted that neither in the Railway Board's letter No.E(NG)II_83/PO/135 dated 3-5-1983 (Annexure-II-P-2 to 4) nor in Railway Board's letter No.PC-III/79/Standardisation (Annexure-III-P-5 to 8) /3 dated 19-6-85, nor in the Railway Board's letter No.E(NG)I/87 /PM/20/2 dated 27-1-88 (Annexure-IV-P-9) nor even in the PNM Meeting held on 20-9-90 & 21-9-90 (Annexure-V-P-10) it is mentioned that Public Health Nurses will be absorbed as Staff Nurses which is a lower grade. It is further submitted that in the Railway Board's circular dated 3-5-83 in para-2 at 3rd sentence it is stated "THERE ARE ALSO A FEW POSTS OF PUBLIC HEALTH NURSES IN SCALE RS.425-700 WITH NECESSARY QUALIFICATION REQUIRED FOR THE STAFF NURSES ON THE RAILWAYS. THESE NURSES MAY BE ABSORBED IN THE MEDICAL DEPARTMENT OF THE RAILWAYS AND THEIR POSTS FILLED BY LADY HEALTH VISITORS IN THE FAMILY WELFARE ORGANISATION".



(17)

It is submitted that the scale of Public Health Nurses was wrongly mentioned as Rs.425-700 in as much as such a scale of pay is not existing at any point of time to the Public Health Nurses. The existing scale is only Rs.455-700 corresponding to scale of pay of Rs.1640-2900 in IV-Pay Commission. It is further submitted that the qualification required for Staff Nurses is only a Diploma in General Nursing of 3-years duration whereas the necessary qualification for a Public Health Nurse B.Sc., (Nursing) of 4 years duration which is a Degree by itself. But erroneously it was stated in the said letter of the Railway Board that the Public Health Nurses in scale Rs.425-700 with necessary qualifications required for Staff Nurses are existing. However, in the said letter, it was not stated anywhere that the Public Health Nurses should be absorbed as Staff Nurses in the Medical Department. In the same way, in the Railway Board's letter dated 19-6-85 at item No.11 it was clearly mentioned that the Public Health Nurses are re-designated as "Nursing Sisters" while pay scale remain unchanged at Rs.455-700 corresponding to scale of pay Rs.1640-2900 in IV-Pay Commission. But unfortunately, the earlier mistake which must be a typographical error occurred in Railway Board's circular dated 3-5-83 viz wrongly mentioning of scale of Nursing Sister as Rs.425-700, was carried in subsequent Railway Board's letter dated 19-6-85 at item No.41 under "Family Welfare" heading. Going by same mistake of wrongly mentioning of the scale but not correctly mentioning of designation viz the re-designation of Public Health Nurse as "Nursing Sister" the above proceedings No.P(MD)/529/FWO/Vol.IV dated 5-11-90 (Annexure-VI P-11 & 12) was issued by the Chief Personnel Officer and Respondent No.3 herein duly interpolating the seniority of Public Health Nurses in the seniority list of "Staff Nurses". Therefore,

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the matter was taken up in the subsequent Permanent Negotiating Machinery meeting with the South Central Railway Employees' Sangh by the General Manager in which the General Manager is the Chairman. This Meeting No. LXV was held on 21-8-91 and 22-8-91. The mistake committed by the Department was realised after lengthy discussion and then a fresh Office Order No. MD-63/91 was communicated in the proceedings (ANNEXURE-VII-P-13) No. P(MD)529/FWO/Vol. IV dated 25-9-91 by the Chief Personnel Officer and respondent No. 3 herein wherein it was clearly mentioned that in pursuance of the minutes recorded on Subject No. 8 of LXV P.N.M. Meeting with SCRE Sangh/Secunderabad held by GM on 21-8-91 and 22-8-91, the seniority of Public Health Nurses in scale Rs.455-700 corresponding to scale of pay Rs.1640-2900 in IV. Pay Commission, is interpolated in the seniority list of Nursing Sisters in the same pay scales in the Medical Department. It was stated ~~stated~~ therein that on interpolation for seniority, their interpolated seniority among Nursing Sisters in the Seniority list Published vide Office letter No. P/MD/612/NS/III of 31.1.89 is as detailed below:

Sl No.	Name S/Smt.	Date of appointment.	Name interpolated between the names in the seniority list
1.	S.PadmaVathi.	1-12-72	Above Smt.D.R.Borgai S.No.1.
2.	I.Viswabharathi	21-12-76	Above Smt.D.R.Borgai, S.No.1.
3.	V.Pushparajyam.	28-4-82	Above Smt.Ratna Munuswamy, S.No.25 and below Smt.M. Vijayawakshmi, S.No.23.
4.	Smt.K.Vimalaratnam		PHN/BZA will retain her own seniority as Staff Nurse at Sl.No.120 (DOA:13-9-84) of the revised seniority list as her initial appointment was Staff Nurse.

It is further stated that the earlier defective order dated 5-11-1990 is cancelled. Pursuant to that, the up-dated provisional seniority list was issued in the

(12)

Proceedings No.P/MD/612(NS)/Vol.II dated 1-7-92 issued by Respondent No.3 herein i.e Chief Personnel Officer. (ANNEXURE-VIII-P-14 & 15). The said seniority list was circulated among the staff concerned and the staff were advised that if they have any grievances in regard to their seniority position, date of appointment etc., now published, they should submit their representations within one month from the date of issue of the letter. It was made clear in that letter that no representations regarding seniority received after the period stipulated above will be considered. It is submitted that in the said Provisional Seniority List dated 1-7-1992 of Nursing Staff, the applicant No.1 was placed at serial No.1, applicant No.2 was placed at serial No.2 and applicant No.3 was placed at serial No.5. It is submitted that the applicants understand that there are no representations received by the Administration within the stipulated time of one month from 1-7-1992. Therefore, the provisional seniority list became final in as much as it was made clear that no representations received after the time stipulated will be considered.

6.5 - It is submitted that next promotional avenue for the "Nursing Sisters" is "MATRON-Grade-II" in scale of pay Rs.2000-3200(RSRP) which is a selection post. The respondents-Railway Administration identified 22 posts of Matrons in the month of August, 1992 i.e after the stipulated time for submitting representations on seniority list is over, and Respondent No.3 herein issued Proceedings No.P(MD)608/Matron/Vol.III dated 26-8-92 (ANNEXURE-IX-P-16 to 20) wherein the eligible candidates are alerted to be in readiness to appear for written test tentatively fixed on 10-10-1992. The said alert notice was issued following the rule of 1:3 ratio to fill in the 22 posts of Matrons. Therefore, altogether 66 candidates belonging to the cadre of Nursing Sisters

were alerted and another 13 candidates were kept as Standby. In the said alert notice, applicant No.1 being the senior-most in the Nursing Sisters cadre was correctly shown at serial No.1 and applicant No.2 was shown at serial No.2 and applicant No.3 was shown at serial No.5. The written test was conducted on 10-10-92 and by the proceedings No.P(MD)608/Matron/Vol.III dated 23-11-92 (ANNEXURE-X-P-21 & 22) issued by the Chief Personnel Officer and Respondent No.3 herein the results of the written examination was notified and it was clearly stated that the applicants herein have been declared as qualified for being called for viva-voce test.

6.6 It is submitted that having successfully in the written examination, while the applicants were preparing to face the viva voce test fixed to be held on 16-2-93, like bolt from the blue, the Memorandum No.P(MD)529/FWO dated 28-12-92 (ANNEXURE-XI-P-23) issued by the Chief Personnel Officer and Respondent No.3 herein was served on the applicants on 4-1-1993, in which it is stated that the decision taken to interpolate the seniority of the applicants in scale Rs.455-700(RS), Rs.1640-2900(RSRP) in the seniority list of Nursing Sisters category in medical department is cancelled. In the said proceedings, the reason for cancellation is that the contents of the Railway Board's letter No.E(NG)II/83/PO/135 of 3-5-1983 & has not been correctly appreciated. It was further stated that a further communication will follow. The applicants waited for the above stated further communication from the Respondents and accordingly the proceedings No. P(MD)612/NS/Vol.III dated 12-1-1993 (ANNEXURE-XII-P-24) issued by the Chief Personnel Officer and Respondent No.3 was served on the applicants in which it is stated that

"CONSEQUENT TO THE FORMATION OF FAMILY WELFARE ORGANISATION IN TERMS OF GUIDELINES ISSUED BY THE RAILWAY BOARD VIDE THEIR LETTER NO.E(NG)II-83/PO/135 DATED 3-5-83, PUBLIC HEALTH NURSES MAY BE ABSORBED IN THE CATEGORY OF STAFF NURSES ON THE RAILWAYS."

It was further stated that :

"THIS WAS ERRONEOUSLY MIS-INTERPRETED TO INTERPOLATE YOUR SENIORITY IN THE NURSING SISTERS CATEGORY IN SCALE Rs.455-700 (RS/Rs.1640-2900 (RSRP), WHICH IS THE INTERMEDIATE GRADE OF THE CADRE OF NURSING SISTERS. IF DONE SO, IT WILL JEOPARDISE THE INTEREST OF THE EXISTING NURSING SISTER IN GRADE Rs.1640-2900 AND RIGHTLY SOME OF THEM REPRESENTED AGAINST THE SENIORITY LIST IN THE CONTEXT OF THE SELECTION OF MATRON. HENCE, IT HAS BEEN DECIDED BY CPO TO CANCEL THE OFFICE ORDER NO. P(MD)529/FWO/Vol.IV Dt.25-9-91 TO ABSORB YOU IN GRADE Rs.455-700/1640-2900 (RSRP) AS NURSING SISTERS."

It is submitted that the impugned order dated 29-12-92 served on 4-1-1993 and subsequently communication dated 12-1-1993 passed by the Chief Personnel Officer and Respondent No.3 herein are illegal, arbitrary and violative of Articles 14 and 16 of Constitution of India.

6.7 It is further submitted that the applicants were not given any notice or opportunity to represent against the proposed decision to delete the names of the applicants from the Seniority List of Nursing Sisters which in fact became final on the expiry of the prescribed period of one month i.e as on 1-8-1992. The impugned order and the subsequent ~~xx~~ order are arbitrary in as much as that not only the principles of natural justice were violated but also the decision was taken behind back of the applicants and that too just a few days ~~xx~~ from the date of of viva voce i.e now fixed on 24-2-1993. The applicants having been



declared successful in the written examination and informed that they were qualified for the *viva voce* are being illegally prevented on the wrong assumption that the decision taken was due to erroneously mis-interpreting the Railway Board's letter No.E(NG)II-83/PO/135 dated 3-5-1983. At the outset it is submitted that the Chief Personnel Officer and Respondent No.3 herein invited objections not from the applicants but from the recognised Trade Unions to express their comments on the decision taken in the impugned order dated 28-12-92 and subsequent communication dated 12-1-1993. It is submitted that the Trade Union expressed their views and objections on various grounds vide their letter dated 25-1-1993 (ANNEXURE-XIII-P-25 & 26). However, even before considering the objections raised by the Trade Union, the applicants are being prevented illegally from attending the *viva voce* test which is going to be held on 24-2-1993.

6.8 It is submitted that ~~xx~~ in the proceedings No.P(MD)612/NS/Vol.III dated 12-1-93 issued by the Chief Personnel Officer and Respondent No.3 herein it was stated thus: "CONSEQUENT TO THE FORMATION OF FAMILY WELFARE ORGANISATION IN TERMS OF GUIDE-LINES ISSUED BY THE RAILWAY BOARD VIDE THEIR LETTER NO. E(NG)II-83/PO/135 Dt.3-5-83, PUBLIC HEALTH NURSES MAY BE ABSORBED IN THE CATEGORY OF STAFF NURSES ON THE RAILWAYS". It is submitted that the Railway Board's letter dated 3-5-1983 never stipulated that the Public Health Nurses should be absorbed in the category of Staff Nurses on the Railways which is in the lower grade of Rs.425-640 corresponding to scale Rs.1400-2600 in IV-Pay Commission and needs a lesser qualification i.e a Diploma in general nursing course of 3 years duration.



For the first time in the communication dated 12-1-93, these were sought to be pumped into the Railway Board's letter dated 3-5-1983 which is illegal, arbitrary and without jurisdiction. Apart from that, the applicants understand that no approval was taken by the Chief Personnel Officer and respondent No.3 herein from the General Manager and Respondent No.2 herein before deleting the names of the applicants from the seniority list in as much as the decision was taken by the General Manager in consultation with the Recognised Unions in the Permanent Negotiating Machinery meeting. Even assuming without conceding that the approval of the General Manager is taken by the Chief Personnel Officer, the same cannot be thrust on the applicants in as much as no opportunity was given to the Trade Unions who are parties to the decision taken in the Permanent Negotiating Machinery meeting as well as to the applicants themselves.

6.9 However, it is submitted that the mistake on the part of the Railway Board in wrongly mentioning the scale of pay of Public Health Nurses as Rs.425-700 instead of 455-700 corresponding to 1640-2900 cannot be mis-used or misinterpreted that too after lapse of long time. It is necessary in the interest of justice that it is to be declared by this Hon'ble Tribunal that the scale of pay of Public Health Nurse mentioned in the Railway Board's letter dated 3-5-83 and 19-6-1985 as error on the part of the Railway Board and Respondent No.1 herein.

7. MAIN RELIEF PRAYED FOR:-

For the reasons mentioned above, it is prayed that the Hon'ble Tribunal may be pleased to declare that the scale of pay of Public Health Nurse mentioned in para-2 of Railway Board's letter No.E(NG)II-83/PO/135 dated 3-5-1983 which was carried in subsequent Railway Board's letter No.PC-III/79/Standardisation/3 dated 19-6-1985 at item No.41 in the Annexure as wrong and

and mistake on the part of the first respondent herein and consequently declare that the Seniority List of Nursing Sisters of South Central Railway published in the proceedings No.P(MD)/612/NS/Vol.II dated 01-7-1992 as final and valid and consequently declare the Memorandum No.P(MD)529/FWO dated 28-12-92 and the subsequent Proceedings No.P(MD)/612/NG/Vol.III dated 12-1-1993 issued by Chief Personnel Officer and Respondent No.3 herein as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India apart from being violative of the principles of Natural Justice, and pass such other order or orders as deemed fit and proper in the circumstances of the case.

8. INTERIM RELIEF PRAYED FOR:-

xxx For the reasons mentioned above, it is further prayed that the Hon'ble Tribunal may be pleased to allow the applicants to attend the viva voce test scheduled to be held on 24-2-93 in connection with selection for promotion to the post of Matron in scale Rs.2000-3200(RSRP) or any other date or dates at Railway Hospital, Lallaguda, Secunderabad. It is submitted that the applicants have already qualified in the written test held on 10-10-92. It is submitted that in case the applicants are not allowed to participate in the viva voce test, they will be deprived of their lawful promotion along with others. On the other hand, xxx applicants' participation in viva voce test does not affect anybody's interest in as much as the ability of the applicants will be tested in the viva voce test and it does not give a guarantee of promotion. It is, therefore, prayed that the Hon'ble Tribunal may be pleased to direct the Chief Personnel Officer (R-3) to permit the applicants No.1, 2 and 3 to participate in the viva voce test to be held on 24-2-93 or on any subsequent date or dates to be notified pending final disposal of the main O.A. and pass such other order or orders as the Hon'ble Tribunal deems fit and proper.

9. DETAILS OF REMEDIES EXHAUSTED:-

It is declared that all remedies were exhausted and the applicants are left with no other speedy and efficacious alternative remedy than to approach this Hon'ble Tribunal for the reliefs.

10. MATTERS NOT PENDING WITH ANY COURT ETC.,:

It is submitted that candidates who failed in the written examination conducted as part of selection for promotion to the post of Matron in scale Rs.2000-3200 (RSRP) viz Shaik Noorjehon Bee, Nursing Sister at Railway Hospital, South Central Railway, Guntakal and another Smt.Lilly Mercy Grace Nursing Sister at Railway Hospital, Guntakal filed O.A. No. 1081 of 1992 on 11-12-92 on the file of this Hon'ble Tribunal in which the applicants herein were impleaded as Respondents No.3 to 5, in which those applicants (in OA-1081/92) sought for scrapping the letter No.P(MD)529/FWO/Vol.IV dated 25-9-1991 interpolating the names ~~xxxkxxseniorityxxkx~~ of the applicants (in this OA) in the Seniority List of Nursing Sisters. In the Interim relief, Shaik Noorjehan Bee and Smt.Lilly Meccy Grace sought for relief to stay all further proceedings ~~xxk~~ of the selection. But this Hon'ble Tribunal refused to grant Interim Order but on the other hand, the applicants understand that the O.A. was only admitted and notice was ordered. Accordingly Notices were received by the applicants herein in the month of January, 1993 in which they are directed to file their counters on 24-2-93 and date of hearing was fixed on 10-3-93. The applicants further understand that the main O.A. No.1081/1993 was ultimately dismissed on 12-2-1993 itself by this Hon'ble Tribunal.

11. PARTICULARS OF POSTAL ORDER:-

a) No. of Indian Postal Order: 805893380
b) Date: 23.2.1993.
c) Value in Rs.: 50/-
d) Name of Issuing Post Office: H.O. Hyderabad
e) Post Office where payable: Hyderabad.
f) Issued in favour of: Registrar,
Central Administrative
Tribunal, Hyderabad
Bench, at Hyderabad.

12. DETAILS OF INDEX:-

L.P.O./B.C./D.D./Removed

A detailed index of material papers relied upon
is attached.

13. LIST OF ENCLOSURES:-

a) Vakalat
b) Postal Order.
c) Chronological Statement of events
d) Detailed Index.
e) Pad and covers.

VERIFICATION.

I, S. Padmavathi, aged about 46 years, D/o
S. Basavaiah, occupation: Public Health Nurse, resident of
Hubli, having come down to Hyderabad temporarily

I, I. Viswa Bharati, aged about 40 years,
Occupation: Public Health Nurse, resident of Guntakal
having come down to Hyderabad temporarily, and

I, V. Pushpa Rajyam, aged about 40 years, W/o M.
Christopher, occupation: Public Health Nurse, resident of
Secunderabad

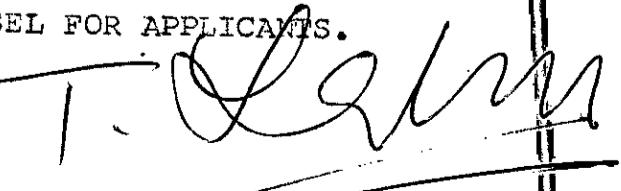
do hereby verify that the contents of paras 1 to
13 are true to our personal knowledge and belief and that
we have not suppressed any material facts.

Hyderabad,
Dt: 5-2-1993

APPLICANT NO.1: S. Padmavathi
APPLICANT NO.2: I. Viswa Bharati
APPLICANT NO.3: V. Pushpa Rajyam
~~RECORDED~~

To
The Registrar,
Central Administrative
Tribunal, Hyderabad Bench,
AT HYDERABAD.

COUNSEL FOR APPLICANTS.



Annexure - I

27

आर एस सी/एस सी/32 RSC/SC/32

रेल सेवा आयोग, सिकन्दराबाद

**RAILWAY SERVICE COMMISSION
SECUNDERABAD**

दिनांक Date 28/9/1981

सेवा में To

श्री Shri/श्रीमती Shri/कुमारी Kumari... Pushpa Rajesh

रोल नम्बर Roll No.....!

III श्रेणी के कर्मचारियों की भर्ती
RECRUITMENT OF CLASS III STAFF

नियोजित सूचना सं. Employment Notice No. 1/81

कोटि सं. Category No. 8 पद Post *Pushpa Rajesh*
Nurse (Scale Rs. 55-700)

उपरोक्त पद के लिए आपके आवेदन पत्र के संदर्भ में आपको यह सूचित किया जाता है कि आपके नाम की नियोजित सूचना कार्मिक अधिकारी, दक्षिण मध्य रेलवे, सिकन्दराबाद को की जायी है, जो आपको अन्यथा योग्य पाने पर यथोचित समय पर नियुक्त करेंगे।

With reference to your application for the above post, you are informed that your name has been recommended to the Chief Personnel Officer, South Central Railway, Secunderabad, who will, in due course, offer you the appointment provided you are otherwise suitable.

बागे कोई पत्र व्यवहार नहीं किया जायेगा।
No further correspondence will be entertained.

No. 00295-10,000-1-80. S. C. Kiy.

कृते अध्यक्ष for CHAIRMAN

Annexure - II

28 2

GOVERNMENT OF INDIA,
MINISTRY OF RAILWAYS (RAIL BOARD)
(RAILWAY BOARD)

No.E(NG)II-83/PO/135

New Delhi,

dt. 23-05-1983

The General Manager,
All Indian Railways.

Sub: Cadre of Family Welfare Organisation on Railways.

Vide Board's letter No.E(NG)III-79/PO/27 dt. 22-5-1979 instructions were issued for conversion of 254 non-gazetted temporary posts held by the staff of Family Welfare Organisation on the Indian Railways into permanent ones. Ever since, the Ministry of Railways have had under consideration the question of formation of cadre of the Family Welfare work. It has now been decided that the posts in the Family Welfare Organisation shall be filled as under:-

Name of the post	Scale of pay	Method of recruitment	Qualification	Remarks
1. Field Worker	Rs.260-350	As per existing practice.	Matriculation or its equivalent.	
2. Senior Clerk/ Compilation clerk.	Rs.330-560	By promotion/ direct recruitment, Graduate through with commerce, Railway Service Economics, Statistics Commission as per Board's letter No. PCIII/81/UPG/7	For direct recruitment, Graduate with commerce, Railway Service Economics, Statistics Commission as per Board's letter No. PCIII/81/UPG/7	as one of the subjects, 18,6,81.
3. Statistical Assistant/ District Extension Educator.	Rs.425-700	By promotion from Senior Clerk/ Compilation Clerks.		
4. Lady Health Visitor	Rs.350-560	Direct recruitment through Railway Service Commission,	Matriculation with 1½ years health visitor course, desirable experience in Family Welfare.	

Contd....2/-

- 17 -

Name of the post _____ Scale of Method of Pay _____ Recruitments _____ Qualities _____

2. Objectivists No. 350-560 Direct, recr. 1) Mistrusts
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 holdings of
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 25 yrs
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 Audi-o-visuaL
 Aids and
 electrified
 equipped
 issued by
 sue

2. Whereas the categories of Field Workers, Sentinels and Statistical Assistant will constitute a separate category, the posts of Lady Health Visitor will be treated as separate categories and Project Officer will be merged with the Medical Department. The posts of Technicians and Headquarters of the Medical Department will be treated as separate categories in the Medical Department. The posts of Peons and Headquarters of the Medical Department will be merged with the Medical Department (Family Welfare) will be merged with the Medical Department. The posts of few posts of Public Health Nurses in scale Rs. 425-600, with necessary separation of public health present. There are also a few existing separately at the present time.

00L-551

Required for the Staff Nurses on the Railways. These Nurses may be absorbed in the Medical Department of the Railways and their posts filled by Lacy Health Visits in the Family Welfare Organization.

34/2
(D.D. General)
Joint Director, Establishment (II),
Railway Board

New Delhi, dt. 1/1/1983

No. E(IG)II-83/PIP 135

Copy (with 25 spares) to:-

1) General Secretary, NFIR, 3-Chelmsford Road, New Delhi.
2) General Secretary, AIRF, 4-State Entry Road, New Delhi.
3) Copy to all members of the National Council, National Departmental Council and Secretary, Staff Side, National Council, 13-c, Ferozeshah Road, New Delhi.

34/2
For Secretary, Railway Board

Copy to :
E(LR)III, FC-III branches, Railway Board.

Annexure - III

(31)

5

SERIAL CIRCULAR NO. 135/85.

South Central Railway.

General Manager's Office,
Personnel Branch,
Secunderabad.
Dated: 28.8.85.

No. P.487/III-PC/34/Standardisation
of Designations.

All Concerned.

A copy of Board's letter No. Pg-III/79/Standardisation/3
dated 19.6.85 along with its Annexure is sent herewith for
information and necessary action. The revised designations
should be strictly adhered to and implemented immediately under
advice to this office to enable Board being advised.

Hindi version to be referred.

(M.K.GOVINDAN)

for Chief Personnel Officer.

Copy of Railway Board's letter No. Pg-III/79/Standardisation/3
dated 19.6.85 addressed to GMs/All Indian Railways and others.

+++

Sub: Standardisation of Designations of Medical Department.

1. The question of Standardisation of Designations of various
categories of posts in the Medical Department has been under
consideration of this Ministry to pursuance of the observation
of Third Pay Commission. The Railway Ministry have decided that
the existing designations of various categories of both Group 'C'
(Class III) and Group 'D' (Class IV) may be replaced by the
designations as in the Annexure to this letter.

2. The revised designations are to be adopted without any
change in their pay scales, method of recruitment, seniority and
avenues of promotion. The existing promotional quota available
within the Medical Department will remain unchanged.

3. The revised designations of various posts should be
slightly enforced and action taken advised to this Ministry.

Jan/-
26.7.

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ANNEXURE

STATEMENT SHOWING REVISED DESIGNATIONS OF VARIOUS CATEGORIES OF POSTS IN MEDICAL DEPARTMENT GROUP 'C' AND 'D' (CLASS III & IV) ENCLOSED TO RAILWAY MINISTRY'S LETTER NO. PC-III/79/STANDARD ISATION/3 DT 19.6.1985.

S.No.	Existing Designations	Ref. to Pay Sched- ule No.	Revised Designa- tion	Revised Pay Scales (RS)
1.	2	3	4	5
1.	Matron Gr.I/Group 'B'	11	Matron Grade I (Group-B)	650-1200
	Matron Grade II		Matron Gr.II	700-900
	Matron Grade III		Matron Gr.III	550-750
2.	Sister-in-charge	11	Matron Grade III	550-750
3.	Sister Tutor for NTC/ DNR/Public Health Nurse for NTC/DNR	93-UR 27.96	Nursing Sister (Tutor)	455-700
4.	Nursing Sister/Staff Nurse	11	Nursing Sister Staff Nurse.	455-700 425-640
5.	Mid-wife	11	Mid-wife	260-350 ✓
6.	Pharmacists	11 Rly. Ed's Lr. No. ii Pr-III/78/ UPC/9 dt. 8.2.79.	d) Pharmacists Gr.I ii) Pharmacists Gr.II iii) Pharmacists Gr.III	550-750 455-700 330-560.
7.	Hospital Store-Keeper	35-UR	Pharmacist Gr.II Pharmacists Gr.III	455-800 330-560
8.	Hospital Store Keeper	101-UR	Clk Gr.II	260-400
9.	Dietician	52	Dietician	425-640
10.	Lab. Supdt/Chemist (Food Analysis)/ Asst. Chemist	29	Lab. Supdt/Gr.I Lab. Supdt. Gr.II Lab. Supdt/Gr.III	550-800 425-700 380-560
11.	Public Health Nurse	27	Nursing Sister	455-700
12.	Nurse Del	27	Mid-wife	260-350
13.	Lab. Assistant/ Lab. Asst. (Chemist)	35-UR	Lab. Supdt/Gr.III Lab. Asst. Gr.I Lab. Asst. Gr.II	380-560 330-480 260-430
14.	Lab. Attendant/X-Ray Attndt.	32.50	Attendant Gr.I	210-270
15.	Physiotherapist	11	Physiotherapist Gr.I Physiotherapist Gr.II	650-960 455-700
16.	Occupational Therapist	11	Occupational Therapist	455-700
17.	E.C.C. Technician	94-UR	E.C.C. Technician	330-560
18.	Radiographer	11	Radiographer Gr.I Radiographer Gr.II Radiographer Gr.III	425-640 330-560 260-430
19.	Operation Theatre Attndt./1.27 Attendant X-Ray Attendant/Hospital/ Attendant.			706-832

contd...2... 32

33 7

1	2	3	4	5
20.	Sr.Dresser/Dresser	43	Dresser Gr.I Dresser Gr.II	225-309 210-270
21.	Dog Destroyer/Dog catcher	35 Uc	Dog Destroyer 1,4 Safaiwala	225-308 196-232
22.	Driver in charge/Motor Driver/Truck Driver/ Ambulance Car Driver/ Ambulance Van Driver.	2,63	Motor Driver Gr.I Motor Driver Gr.II Motor-Driver Gr.III	330-480 260-400 260-350
23.	Stretcher Bearer	4	Stretcher Bearer	196-232
24.	Steward	35	Hospital Steward Gr.I Hospital Steward Gr.II	330-560 260-400
25.	Health Inspector/Health Visitor/Malaria Inspector/ Malaria Overseer.	1,29	Health & Malaria Insp. Gr.I Health & Malaria Insp. Gr.II Health & Malaria Insp. Gr.III Health & Malaria Insp. Gr.IV	700-900 550-750 425-640 370-560
26.	Dental Mechanic	69	Dental Mechanic Gr.I	330-560
27.	Safaiwala Mate/Head Safaiwala/Murradam/ Safaiwala, Safaiwala Murradam/ Safaiwala, Damadar/Damadar/ Murradam/Conservancy-Murradam/ S.G.Murradam.	22 1,35 Uc	Mate	200-250
28.	Safaiwala/Male, Safaiwala/Female, Sanitary Cleaner/ Dm Hospital/Safaiwala/ Conservancy Sweeper/Hospital. Safaiwala/Vettian/Teacher/ Diger/Savander/Pit Differ/ S.W.Khalasi.	4	Safaiwala	196-232
29.	Dhobi	1,4	Dhobi Gr.I Dhobi Gr.II	200-250 196-232
30.	Vaccinator Khalasi	4	Attendant	196-232
31.	Peon Hospital	4	Peon	196-232
32.	Cook	1	Cook	210-270
33.	Masalchi/Waterman/ Hamal	1	Attendant	196-232
34.	Bisty	1	Bisty	196-232
35.	Storeman/Parker	85	Parker	210-270

contd...3...

26/8

1	2	3	4	5
36	Mate/Malaria/Malaria Muccauam Anti Malaria Jamarar		Mate Malaria	200-250
37	Mosquitoman/ Malaria Khalasi Anti Malaria Khalasi	4	Khalasi	196-232
38	Malaria Field worker	4	Attenuant	196-232
39	Ayah	35	Ayah	200-250
<u>FAMILY WELFARE</u>				
40	District Extension Educator/Extension Educator.	27	Extension Educator	425-700
41-	Public Health Nurse	27	Nursing System	425-700
42	Lady Health Visitor	27	Health Visitor	330-560
43.	Auxiliary Nurse - Cum - Midwife	27	Auxiliary Nurse - Cum - Midwife	260-350
44.	ANM Trained Field Worker	27	ANM Field worker	260-350
45.	Field Worker/Male Field Worker/Female	27	Field worker	260-350

Annexure - IV

35

RAILWAY BOARD's Letter No.E (NG)-I-87/PM/20/2
dated 27-1-1988.

SUB: Restructuring of Group-'C' and 'D'
Cadres - isolated posts.

The issue regarding restructuring of miscellaneous isolated categories and posts on the Railways has been examined in detail by the Board. These consist of posts like GESTER OPERATORS, COMMERCIAL COURIORS, ADRENA OPERATORS, CIVIL DEFENCE INSPECTORS, PLATFORM/LUGGAGE INSPECTORS, HORTICULTURE STAFF, LIBRARIANS, LIBRARY ASSISTANTS, TICKET SORTERS (Accounts department), SANITARY INSPECTORS, MONITORS, CARE-TAKERS, HOSTEL SUPERINTENDENTS, MARKERS, LOCO POINTSMEN, PHYSIO-THERAPISTS, OCCUPATIONAL THERAPISTS, DIETICIANS, E.C.G.TECHNICIANS and a host of other similar miscellaneous Group-'C' and 'D' posts which do not form part of any cadre (wherever such is the case).

2. The Board would suggest that appropriate action may be taken by the Railway Administrations and if considered necessary recast the channels of promotion in respect of these categories. While doing so, the Railways/Production Units will, no doubt, follow the standard convention of consulting the Recognised Unions (corresponding practice in the case of Production Units) before effecting any such changes found necessary. It may also be checked up whether in respect of such of these posts as are filled on ex-cadre basis by staff drawn from other cadres, the staff concerned are allowed to retain their lien on ~~and~~ and considered for promotion in their respective parent cadres as per normal rules.

3. Please acknowledge.

(K.S.Lall)
JOINT DIRECTOR, ESTT (N),
RAILWAY BOARD,
NDLS.

Annexure -V

(36)

10

Minutes recorded in the LXII PNM meeting held by General Manager/SC with SCRES/SC on 20-9-90 & 21.9.90

Subject No. 2.

Avenue of promotion to Public Health Nurse of Family Welfare organisation and filling the posts of extension educator and compiling clerks by the clerical staff of Medical Department.

Options are under issue for forming a separate cadre of FWO which however will be with the proviso of reserving formation as the matter has to be reviewed in respect of the optees reverting back to the parent cadre of Medical Department, causing subsequently reversion. Position will be reviewed on receipt of options, before a final decision is taken.

2. Public Health Nurses recruited by RRB will be straight away absorbed in the cadre of Nurses with protection of seniority for which orders will be issued immediately. The existing staff will be relieved as and when the panel from the RRB fix/ candidates report for duty.

Annexure - ~~VI~~ VI

37

South Central Railw.y.

General Manager's Office,
Personnel Branch/Secunderabad.

No.P.MD/529/ FMO/Vol.IV

Dt. 05.11.90.

OFFICE ORDER NO. 117190.

Sub:- Transfer of Public Health Nurses in Scale
Rs.455-700(3S)/Rs.1640-2900(3S P).

...

In terms of Board's letter No.3/NG/II/83/PC/135 dated 3.5.83 and as per the minutes recorded on sub. No.2, of LXII P.M.F meeting with SCB South on 20.9.90 and 21.9.90, the following public Health Nurses in Scale Rs.455-700(3S)/Rs.1640-2900(3S P) are absorbed as staff nurses in scale Rs.1400-2600(RSP) in Medical Department/ Hospitals at their respective stations.

at the

1. Smt. C.Padmavathy, RN/BL
2. Smt. I.Viswabharathi, RH/GTL
3. Smt.V.Pushpa Rajyam, RN/LGD
4. Smt. K.Vimalarathnam, RN/BZA.

However, they will be relieved only on the availability of the candidate selected by RSP/SC for the post of Lady Health visitor in scale Rs.1200-2040(RSP).

They will be assigned seniority as staff Nurses in Scale Rs.1400-2600(RSP) and their names will be inter polated in the seniority list of Staff Nurses, Published vide this Office letter No.P/MD/612/NG/III of 31.1.89 as detailed below.

Sl. No.	Name S/Cmt.	Date of Appt.	Name inter polated between the names in the seniority list.
1.	S.Padmavathi	1.12.72	Above Smt.G.Susheela Sl.No.2 and below Smt. V.Padma Williams Sl.No.1A at folio -1.
2.	I.Viswabharathy	21.12.76	Above Smt.B.Vijayalakshmi Sl.No.27 and below C.Chittamma, Sr.No.26 at F-3.
3.	V.Pushoprajyam	28.4.82	Above Smt.P.Palvathi Sl.No.88 and below Smt. P.Koni, Sl.No.87 on folio-7.
4.	Smt. K.Vimalarathnam, RN/BZA		will retain her own seniority as staff nurse at Sl.No.120(DOA 15.9.84) a folio 94 file as she was appointed as Staff Nurse originally and subsequently promoted as RSP.

This has the approval of CMO.

(P.M. Jagannathan)
for Chief Executive Officer.
contd.2...

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Copy forwarded for information and necessary action to:

DRM(P) BG/SC, MG/HYB, BZA, GTL, URL,
CJO/SC, CH3/LGD, Sr.MS/BZA, BG/SC/LGD, GTL, URL, *Melvin 1/20/83/LSJ*
Dy.Cm/GTPL, TPTY, WPO/GTPL,
They will advise the staff concerned accordingly.

21918

SPO/LW for inf. with 16 copies for furnishing to Union concerned.

(P.L. Jagannathan)
for Chief Personnel Officer.

ison /-

SOUTH CENTRAL RAILWAY

HEADQUARTERS OFFICE
PERSONNEL BRANCH
SECUNDERABAD (A.P.)
DATED: 25/9/1991.

No.P (MD)529/FWO/Vol.IV

OFFICE ORDER NO.MD/ 23/91.

Sub:- Transfer of Public Health Nurses in scale
Rs.455-700 (RS)/Rs.1640-2900 (RS.P.).

In pursuance of the Minutes recorded on Sub-No.3 of LXV PNM Meeting with SCRE Sangh/SC held by GM on 21.3.91 & 22.3.91, the seniority of following Public Health Nurses in scale Rs.455-700 (RS)/ Rs.1640-2900 (RS.P) is interpolated in the seniority list of Nursing Sisters in scale Rs.1640-2900 (RS.P) in Medical Department:-

1. Smt. S.Palmevathy, RH/UEL
2. " I.Viswabharathi, RH/GTL
3. " V.Pushparajyam, RH/LGD
4. " K.Vimala Ratnam, RH/BZA.

On interpolation for seniority, their interpolated seniority among Nursing Sisters in the seniority list published vide this office letter No.P/MD/612/NS/III of 31.1.99 is detailed as under:-

Sl. No.	Name, Smt.	Date of Appointment.	Name interpolated between the names in the seniority list.
1.	S.Palmevathi,	1.12.72	Above Smt.D.I.Borgai, S.No.1.
2.	I.Viswabharathi	21.12.76	Above Smt.D.I.Borgai, S.No.1.
3.	V.Pushparajyam,	20.4.82	Above Smt.Latha Muniswamy, S.No. 25 and below Smt.M.Vijayalakshmi, S1.No.23.
4.	Smt.K.Vimalaratnam, PHN/BZA	will retain her own seniority as Staff Nurse at Sl.No.120 (DOA: 13.9.84) of the revised seniority list as her initial appointment was Staff Nurse. //B	

This cancels this office order No.MD/117/90 issued under even No. dated 5.11.90.

It may be noted that these Pub. Health Nurses will join for post of Nursing Sister at their respective stations or Hospitals where they are presently working, as and when the candidates from KRB are posted as Lady Health Visitors, in their places.

All the employees in the cadre may be notified accordingly under their clear signature and representations from the staff, if any, may be forwarded to this office within one month from the date of issue of this order.

(C.BUTCHIAH)

CHIEF PERSONNEL OFFICER.

Copy forwarded for information and necessary action to:-

DRM(P)/PG/SC, (MG)HYB, BZA, GTL, WPO/ACP & TPTY.

CMO/SC, CHS/LGD, CMS/BZA, Sr.MS/GTL & UBL.

Employee - Thro' CHS/LGD

(C.BUTCHIAH)

CHIEF PERSONNEL OFFICER.

SOUTH CENTRAL RAILWAY

No. P (MD) 612/NS/vol.II

Headquarters Office,
Personnel Branch,
Secunderabad,
Dt: 01-07-92.

CHS/LBD: CMO/SC:

DRM(P)/BG/SC: HYB: BZA: GTL: UBL:

Sr. MS./BG/SC: HYB: GTL: UBL: CMS/BZA:

Dy. CME/RYPS: TPTY:

DMO/PAU: MS/PC/KZJ.

Sub: Provisional seniority list of
Class III - Nursing Staff -
Medical Department.

- x -

The provisional seniority lists of under mentioned categories of Nursing Staff are sent herewith.

- (i) Matron in scale Rs. 2000-3200 (RSRP)
- (ii) Nursing Sister in scale Rs. 1440-2900 (RSRP)
- (iii) Staff Nurse in scale Rs. 1400-2660 (RSRP)

2. The seniority lists may please be circulated amongst the staff concerned and got it noted by them. If any names of any staff are omitted in the list, relevant particulars such as the date of birth, date of appointment, community and date of promotion to the present grade etc., may be furnished.

3. The staff may be advised that if they have any grievances in regard to their seniority position, date of appointment etc., now published, they should submit their representations within one month from the date of issue of this letter. No representations regarding seniority received after the period stipulated above will be considered. All representations received in this connection may please be sent to this office within 10 days from the date of receipt of the representations alongwith your remarks thereon.

Please acknowledge receipt.

DA: As above

(G. Butchiah)
for Chief Personnel Officer

Copy to SPO/L & W for information with 15 copies of seniority lists for furnishing the same to the Unions concerned.

Matter
Bhakti Hall | Asst Secretary | SC RRS Med/SC
Pl circulate on rete Nursing Staff
Send the file to me
[Signature]

(G. Butchiah)
for Chief Personnel Officer

PROVISIONAL SENIORITY LIST OF NURSING SISTER

IN SCALE RS. 1640-2900 (RSRP)

AS ON 01-07-92.

Sl.	NAME	Commu- nity	Stn work ing	Divn.	D.O.B	D.O.A.	Date of Entry into Gr.	D.O.Cn.	REMARKS
1.	S. Padmavathy	OC	UBL	UBL	26-07-55	01-12-46	01-12-72		
2.	I. Viswabharathy	OC	GEL	GTL	25-10-52	21-12-76			
3.	D.K. Borgai	OC	UBL	UBL	22-03-35	18-03-63	01-06-79	01-01-84	
4.	Easter Sulad	OC	UBL	UFL	23-07-38	06-12-66	31-10-80	01-01-84	
5.	A.V. Pushparajyam	OC	SC	LGD	05-12-52	28-04-82			
6.	Pushpaleclamma	OC			24-04-43	13-06-73	14-05-82		

Contd... 2/-

Scres / Medical

(4)

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(3) SOUTH CENTRAL RAILWAY

RH/LGD

(42)

Headquarters Office,
 Personnel Branch,
 Secunderabad,
 Dt:26-08-92.

No. P (MD) 608/Matron/Vol. III

CHS/LGD: DRM.(P)/BG/SC: HYB: GTL: UBL & BZA:
 DR. CME/RYP: CRS/TPTY:

Sr. MS(BG)/SC: HYB: GTL: UBL: CMS/BZA:
 MS/PC/KZJ: MS/TPTY: SDH/RYP: SDH/PAU:

Sub: Selection to the post of
 Matron in scale Rs.2000-3200
 (RSRP) - Medical Department.

- X -

It is proposed to hold selection to fill up 22 posts of Matrons in scale Rs.2000-3200 (RSRP). Reservation of posts for staff belonging to reserved community have been computed in terms of instructions contained in serial circular No. 93/92 issued by this office according to which posts reserved for SC are nil, ST-3 and the balance are Un-reserved.

2. The employees mentioned in Annexure 'A' may be alerted to be in readiness to appear for written test. Syllabus for written test is sent as Annexure 'B' which may also be notified to the staff concerned. The written test is tentatively fixed on 10-10-1992 at CHS/RH/LGD at 10.00 hrs.
3. If any of the employees mentioned in the Annexure 'A' are undergoing any penalty or any DAR/SFE/Vig. cases are pending or proposed against them, full details of the cases should be intimated to this office by 21-09-92 without fail.
4. In case any employees are un-willing to appear for the above selection a written, specific and un-conditional letter should be obtained to that effect and forwarded to this office on or before 21-09-92 certain.
5. In case of any employees mentioned in Annexure 'A' are on sick-list, leave/deputation etc., may also be notified by sending the information to their given address under Registered Post Acknowledgement Due. The information of which also should be sent to this office promptly.
6. Updated service registers together with the Confidential Reports for the last three year i.e. (1989-90, 90-91, 1991-92) of the concerned employees should be kept ready and sent to this office through a special messenger as and when called for.
7. SPECIAL WARNING TO THE CANDIDATES:-
 - - - - -
 (i) It is the responsibility of the employees absenting for written test to advise this office, the reasons
 C. ntd..2/-

for their absence and such advice should reach this office within 20 days from the date of the written test held, failing which candidates will not be admitted for supplementary written test. There will not be any second supplementary written test.

(ii) The candidates will have an option to answer question paper in written test in Hindi also. Such facility is also available for viva-voce test.

8. The alert notice at Annexure 'A' contains stand-by and they also be alerted to be in readiness to appear for the written test in case if employees in the field of eligibility refuse, the information of which i.e., whether they should be directed for the written examination or not will be advised separately.

9. The caste particulars shown against the employees in Annexure 'A' may please be checked up from their service Registers and factual position confirmed to this office. If there are any employees who belong to SC/ST but not shown as such in the list may also be brought to the notice of this office immediately for necessary action. Similarly, if there are any changes of station working for the employees in the list, the employees may be informed of their new stations through their present controlling officers duly intimating the same to this office.

(G. Butchaiah)
for Chief Personnel Officer

C/- CMO/SC: for information.

APO(Bills)/CPO's office/SC

OS/SR Cell/CPO's office/SC

for information and
necessary action.

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SELECTION TO THE POST OF MATRON - IN
SCALE RS. 2000-3200 (RSRP) - MEDICAL
DEPARTMENT

LIST OF NURSING SISTERS IN THE FIELD OF ELIGIBILITY FOR BEING CALLED FOR THE SELECTION.

Sl. No.	Name Smt./Kum.	Present Designa- tion	Place of Work- ing.
1.	S. Padmavathi	(PHN) Nursing Sister	RH/UBL
2.	I. Viswabharathi	-do-	RH/GTL
3.	D.R. Borgai	-do-	RH/UBL
4.	Ester Sulad	-do-	RH/UBL
5.	V. Pushparajyam	(PHN) -do-	RH/LGD
6.	G. Pushpaleelamma (SC)	-do-	PC/KZJ
7.	G.A. Francis	-do-	RH/BZA
8.	P.S.H. Evangiline	-do-	SDH/RYP
9.	Sk. Noorjahan Bee	-do-	RH/GTL
10.	Lilly Mercy Grace	-do-	RH/GTL
11.	Saramma Varkey	-do-	RH/LGD
12.	Rama Ravindran	-do-	RH/LGD
13.	Annamma Koshy	-do-	RH/LGD
14.	P.L. Meenakshi	-do-	RH/BZA
15.	E.P. Mary	-do-	RH/BZA
16.	P. Hari Santhosh Rao	-do-	RH/BZA
17.	Kunjamma David	-do-	RH/LGD
18.	P.J. Elias	-do-	RH/UBL
19.	D. Satyakumari	-do-	RH/GTL
20.	A. Chandraleela (SC)	-do-	RH/GTL
21.	G. Suseela	-do-	RH/LGD
22.	D. Janakamma	-do-	RH/BZA
23.	Lilly Kutty Chakoo	-do-	RH/LGD
24.	U. Krishna Prasad	-do-	RH/LGD
25.	C. Amrutha Jaya Kumari	-do-	RH/LGD
26.	Percy Santhosh Kumar	-do-	RH/UBL
27.	M. Padmacathi	-do-	RH/LGD
28.	O. Parvathy Reddy	-do-	RH/LGD
29.	P. Elizabeth Swamydoss	-do-	RH/LGD
30.	Sarala Vijay Kumar	-do-	RH/LGD
31.	K. Yesumani Padma Rao	-do-	RH/LGD
32.	P.C. Cicily	-do-	RH/BZA

Contd... 2/-

33.	R. Annapurni	Nursing Sister	RH/LGD
34.	K. Girija Rama Krishna Pillai	-do-	RH/LGD
35.	N. Satyalakshmi George		RH/EZA
36.	P. Yamuna Siva Prasad	"	RH/EZD
37.	M. Gnana Pushpa Fedricks	"	RH/LGD
38.	K. Damayanthi James	"	RH/LGD
39.	P. Vijayamma (SC)	"	RH/EZA
40.	Mary Dayakarunamma (SC)	"	RH/EZ
41.	J. Leelavathi (SC)	"	RH/LD
42.	P. Sarala Kumari	"	RH/UBL
43.	P.M. Elizabeth	"	RH/EZA
44.	G. Chittamma	"	RH/EZA
45.	B. Vijayalaxmi	"	RH/GTL
46.	V. Karpakam	"	RH/GTL
47.	M.L. Vijaya Bharathi (SC)	"	RH/GTL
48.	A. Padmavathi (SC)	"	BDH/RYP
49.	P. Karnamma (SC)	"	RH/EZA
50.	V. Varalaxmi (SC)	"	RH/UBL
51.	V. Hemalatha Ananda Rao (SC)	"	RH/LGD
52.	Thakur Krishna Prasad A. Singh	"	RH/LGD
53.	Rachal Sampathkumar	"	RH/UBL
54.	Annamma Cherian	"	RH/LGD
55.	Y. Vijayalaxmi	"	CRS/TPTY
56.	P. Rajasree Anand	"	RH/LGD
57.	Annamma Jacob	"	RH/LGD
58.	E. Fernandez	"	RH/UBL
59.	S.M. Barogavi	"	RH/UBL
60.	S. Jeevamani	"	RH/GTL
61.	Laxmi Devi Prasad (SC)	"	RH/UBL
62.	M. Vajram	"	RH/LGD
63.	K. Prakasamma	"	RH/LGD
64.	K. Suseela T. Rukmini	"	RH/EZA
	CH. Sujatha (SC)	"	RH/EZA

STAND BY:

Sl. No.	Name	Present designation	Place of working
1.	Smt. V. Amruthavalli	Nursing Sister	RH/LGD
2.	Ch. Suwarthamma	-do-	RH/LGD
3.	Lovethad Collins	-do-	CKL/SC
4.	Sulochana	-do-	SDH/RYP
5.	K. Anthonammachowri	-do-	RH/LGD
6.	Mari Prabhakar	-do-	RH/BZA
7.	Sister Mary Jaquiline	-do-	RH/LGD
8.	G.S. Prema	-do-	RH/UBL
9.	M.L. Showrelu	-do-	RH/LGD
10.	B. Kamala	-do-	RH/GTL
11.	Pulli Hymavathy Vittal Rao	-do-	SDH/PAU
12.	M. Vijayalaxmi	-do-	RH/UBL
13.	E. Vajram Mohan Reddy (SC)	-do-	RH/GTL

ANNEXURE - I B

Syllabus for written test for promotion to the post of Matron in scale Rs.2000-3200 (RSRP) - Medical Department.

1. Nursing Care of Acute and Chronic cases.
2. (A) Administration: Diet, Staff Matters, Clinical & Linen, Account of Medicine, etc.
- (B) DAR Rules etc.

(G. Hutchins)

/-Chief Personnel Officer

Annexure - X / RH/LGD 21

SOUTH CENTRAL RAILWAY

Headquarters Office,
Personnel Branch,
Secunderabad,
Dt: 23-11-92.

No. P(MD)608/Matron/Vol. III

DRM (P)/GTL: UBL: BZA:

SR. MS/GTL: UBL: CMS/BZA:

CHS/LGD: Matron (GAZ)/RH/LGD: CMC/SC:

Sub: Selection to the Post of Matron
in scale Rs.2000-3200 (RSRP) -
Medical Department.

- x -

As a result of the written examination held on 10-10-92
for the above selection, the following employees have qualified
for being called for viva-voce test.

Sl. No.	Name Snt./Kum.	Desgn.	Place of working
1. 1	S. Padmavathi	✓ N/Sister	RH/UBL
2. 2	I. Viswabharathi	✓ -do-	RH/GTL
3. 11	Saramma Varkey	-do-	RH/LGD
4. 12	Rama Ravindran	-do-	RH/LGD
5. 15	E.P. Mary	-do-	RH/BZA
6. 19	D. Satya Kumari	-do-	RH/GTL
7. 20	A. Chandraleela	(SC) -do-	RH/GTL
8. 21	G. Suseela	-do-	RH/LGD
9. 23	Lilli Kutty Chakoo	-do-	RH/LGD
10. 24	U. Krishna Prasad	-do-	RH/LGD
11. 25	C. Amrutha Jaya Kumar	-do-	RH/LGD
12. 30	P. Sarala Vijaya Kumar	-do-	RH/LGD
13. 31	K. Yedumoni Padma Rao	-do-	RH/LGD
14. 34	K. Girija Ramakrishna Pillai	-do-	RH/LGD
15. 36	P. Yamuna Siva Prasad	-do-	RH/LGD
16. 37	M. Snanapushpam Fedricks	-do-	RH/LGD
17. 40	Mary D. Vakarunamma	(SC) -do-	RH/BZA
18. 41	J. Leelavathi	(SC) -do-	RH/LGD
19. 42	P. Sarala Kumari	-do-	RH/LGD
20. 45	B. Vijayalaxmi	-do-	RH/UBL
21. 46	V. Karpakam	-do-	RH/GTL
22. 47	N.L. Vijaya Bharathi	(SC) -do-	RH/GTL
23. 51	V. Hemalatha Ananda Rao	(SC) -do-	RH/LGD
24. 53	Rachel Sampath Kumar	-do-	RH/UBL
25. 56	P. Rajasree Anand	-do-	RH/LGD
26. 59	S.M. Bargovi	-do-	RH/UBL
27. 63	K. Prakasamma	-do-	RH/LGD
28. 65	T. Rukmini	-do-	RH/BZA
29. 66	Ch. Sujatha	(SC) -do-	RH/UBL

Contd..., 2/-

148 22

The following employees have also qualified for being called for viva-voce test based on the notional seniority marks and their empanelment would be subject to their securing 60% marks in the professional ability and 60% in the aggregate.

Sl. No.	Name	Design.	Place of working
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1. D.R. Borgai	3.	Nursing Sister	RH/UBL
2. Easter Sulad	4	-do-	RH/UBL
3. V. Pushparajyam	5 ✓	-do-	RH/ICD
4. D. Janakamma	22	-do-	RH/EZA

The above said employees may be notified accordingly and alerted to be in readiness to appear for viva-voce test at a short notice, the date and venue of which will be advised in due course.

The service registers with up-to-date entries and Confidential Reports for the last three years of the above said employees should be sent to APO/W & Med./CPO/O/SC at the earliest without fail.

If any of the said employees are undergoing any punishments under DAR full details of the same should be advised immediately. Cases of staff where DAR/SPE/Vig. cases are pending or contemplated should also be advised to this immediately without fail.

(G. Butchaiah)
/-Chief Personnel Officer

OS/SR & Ica Section for information
and necessary action.

No. P(MD) 529/FWO

16/11/93
OFFICE OF THE C.M.O.
S.C.R.E. LAGGUDA,
HYDERABAD-500 016.RAIL NICKYAN
Personnel Branch,
Secunderabad.

Dated 28-12-92.

MEMORANDUM

Sub: Transfer of Public Health Nurses,
scale Rs.455-700(RS)/Rs.1640-2900(RSRP).Ref: O.O.No.P/MD/63/91, issued under
letter No.P/MD/529/FWO of 25-9-91.

The decision taken to interpolate the seniority of the following PHNs in scale Rs.455-700(RS)/Rs.1640-2900(RSRP), in the seniority lists of Nursing Sisters in scale Rs.1640-2900(RSRP), in Medical Department, vide office order cited above is hereby cancelled, since correct appreciation of contents of Board's letter No.E(NG) II/83/PO/135 of 3-5-83 has not been made, and further communication will follow:-

1. Smt. S.Padmavathy, PHN/UBL.
2. Smt. I.Viswabharathy, PHN/GTL.
3. Smt. A.V.Pushparajyam, PHN/LGD.

(S.Chandramouli Achari) 22/12/92
for Chief Personnel Officer

Copy to:- CMO/SC, Sr.MS/UBL, GTL, CHS/LGD, CMS/BZA.

The General Secretary, }
S.C.R.E.Sangh/SC }
for inf.The General Secretary, }
S.C.R.E.Union/SC }
for inf.

Smt.S.Padmavathy, Nursing Sister (PHN)/UBL.
Smt.I.Viswabharathy, Nursing Sister (PHN)/GTL.
Smt.A.V.Pushparajyam, Nursing Sister (PHN)/LGD. (C.P.S/L.G.D.)

(S.Chandramouli Achari)
for Chief Personnel Officer 22/12/92

1993

OFFICE OF S.A.C.M.O.
South Central Railway, C.P.T., VELLAGUDA,
CFCU-11, Secunderabad-500 017.

Headquarters office,
Personnel Branch,
Secunderabad-500 371.

No. P (M) 612/NG/Vol. III.

Dated 12-1-1993.

Smt. S. Padmavathy, PHN/RH/UBL Through MS/UBL.
Smt. I. Viswabharathy PHN/RH/GTL -do- MS/GTL
Smt. A. V. Pushparajyan PHN/RH/LGD. -do- CHS/LGD.

Subj- Deletion of names from seniority
list of Nursing Sisters- Show Cause Notice.

....

Consequent to the formation of Family Welfare
Organisation in terms of guidelines issued by the Railway
Board vide their letter No. E(NG) II-83/PO/135 dt. 3-5-83,
Public Health Nurses may be absorbed in the category of
Staff Nurses on the Railways.

This was erroneously mis-interpreted to interpolate
your seniority in the Nursing Sisters category in scale
Rs. 455-700 (RS)/Rs. 1640-2900 (RSRP) which is in the inter-
mediate grade of the cadre of Nursing Sisters. If done so
it will jeopardise the interest of the existing Nursing
Sister in grade Rs. 1640-2900 and rightly some of them were
represented against the seniority list in the context of
the selection of Matron.

Hence, it has been decided by CPO to cancel the
Office Order No. P (M) 529/PW0/Vol. IV dt. 26-9-91 to absorb
you in Grade Rs. 455-700/ 1640-2900 (RSRP) as Nursing Sisters.

This is to inform you that you may not be continuing
on the wrong notion of your seniority being maintained as
Nursing Sister in the grade of Rs. 1640-2900 (RSRP).

(S. Chandramouli Achari)
for Chief Personnel Officer.

C/- MS/UBL
C/- MS/GTL
C/- CHS/LGD.
C/- DRM/Ip/GTL & UBL.

South Central Railway Employees' Sangh

(Recognised and Affiliated to N. F. I. R. & I. N. T. U. C.)
CENTRAL OFFICE



311, Rly. Barracks,
Chikilguda,
SECUNDERABAD-500 025

Ref. No. **SCO/OM/Medical/Avenues/Vol.II.**

Date: **25-1-1993.**

The General Manager,
S.C.Railway, Secunderabad.

Sir,

Sub : Formation of Separate Family Welfare Cadre - absorption of Public Health Nurses as Staff Nurses.

Ref : Your letter no.P(MD)529/FW0/Vol.IV of 12/1/93.

The proposal to absorb the Public Health Nurses in the category of Staff Nurses in the initial recruitment grade Rs. 425-640/Rs. 1400-2600 (ASRP) from the date of issue of Board's letter i.e. with effect from 3-5-83 as made in your letter under reference is not acceptable to Sangh for the following reasons:-

- i) The Public Health Nurses were directly recruited in grade Rs. 455-700 (RS) which is equal to the grade of Nursing sisters.
- ii) They were/are in possession of B.Sc. (Nursing) qualification and undergone training for 4 years.
- iii) Their designation was changed as Nursing Sisters and not Staff Nurse by the Board in their letter no.PC.III/79/Standardisation/3 dated 19/6/85 itself.
- iv) The qualification for Staff Nurses is only Diploma in General Nursing with a training period of 3 years.
- v) Board have clearly indicated in their letter dt. 19/6/85 that the Public Health Nurses with necessary qualification be absorbed in Medical Department.
- vi) No employee who was directly recruited in a particular grade can be absorbed in a lower grade than the one in which they were recruited.
will give be to accordance with rule 311 of 1980
When a decision was taken in the PNM to absorb them in the cadre of Nursing sisters, everyone was aware, that the grade of Rs. 455-700/ 1640/2900 is an intermediate grade and it is not a new phenomena now.
- vii) When the very cadre is abolished and the Public Health Nurses were to be absorbed in the Medical Department as per Board's orders, the same has to be done irrespective of the fact that the grade is an intermediate one with or without an element of direct recruitment.

-2-

ix) While revising the seniority of Public Health Nurses absorbed in Nursing cadre in grade Rs.1640-2900 depending on length of service in Headquarters letter no.P(MD)529/F.O/Vol.IV of 25/9/1991, this was made known to all concerned.

Yours faithfully,

ff. N. S.
(M. Raghavésh,
General Secretary)

Copy to :- Secretary/Medical branch/LGD for information with reference to his letter no.SB0/Med/LGD/93 of 14/1/93.
" Secretary/Medical branch/GTL for information.
" Secretary/Headquarters branch/UBL -do-

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABA
O.A. NO. 149 of 1993 + M.A. 156 of 1993.

Between

1. S.Padmavathi.
2. I.Viswa Bharati.
3. V.Pushpa Rajyam.

Dated: 23.2.1993.

Applicants

...

And

1. Union of India, rep. by the Chairman, Railway Board, Rail Bh New Delhi.
2. General Manager, South Central Railway, Rail Nilayam, Sec-ba
3. The Chief Personnel Officer, South Central Railway, Railnila Secunderabad.

...

Respondents

Counsel for the Applicants

: Sri. T.Lakshminarayana

Counsel for the Respondents

: Sri. V.Bhimanna, SC for Railw

CORAM:

Hon'ble Mr. Justice N.V.Krishnan, Vice Chairman(Admn.)
Hon'ble Mr. Justice V.Neeladri Rao, Vice Chairman(Jud)

The Tribunal made the following order:-

In the circumstances referred to in the application, 156/93 seeking permission to add additional applicants in a single original application is allowed.

Admit the O.A.

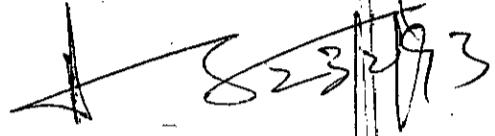
The applicants are directed to file the counter.

The applicants have prayed for an Interim order. We have heard Sri. Lakshminarayana and Sri. Bhimanna for the applicants and respondents.

It is submitted that the applicants who were public health nurses were directed to be integrated with the category of nursing sisters by an order No. E(NG)/II/83/PO/135 dated 3-5-83. (Annexure-II) However, subsequently, by the impugned order No. P (MD) 529/FWO dated 28-12-92, (Annexure-XI) is impugned and is under challenge. It is stated that the interview is taking place tomorrow i.e. ^{on} 24-2-93 to the posts of matrons and the applicants are not being interviewed in view of the impugned order.

We have heard both the parties and having perused the averments in the application we are satisfied that in the interest of justice, the Respondent 3, Chief Personnel Officer (South Central Railway, Secunderabad) should be directed to provisionally interview the 3 applicants also tomorrow or on any other day to which the interview may be postponed and they should also be considered along

with other candidates on a provisional basis. The result of the interview shall not be published by the respondents until further orders. To enable the 3rd respondent to make arrangements to interview the applicants, the applicants are directed to report to the respondents at 9-15 when the office opens. The applicants are directed to carry with them a copy of this Interim order when they meet the respondents.


Deputy Registrar (Judicial)

Copy to:-

1. Chairman, Railway Board, Union of India, Rail Bhavan, New Delhi
2. General Manager, South Central Railway, Rail Nilayam, Secunderabad
3. The Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad. ✓
4. One copy to Sri. T. Lakshminarayana, advocate, CAT, Hyd.
5. One copy to Sri. V. Bhimanna, SC for Railways, CAT, Hyd.
6. One spare copy. ✓

Rsm/-

Hand
27/2/89

O.A. 149/93
+ M.A. 156/93

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

Hm Mr. Justice N.V. Krishnan, V.C (Admn)
THE HON'BLE MR. V. NEELADRI RAO : V.C (J44)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. CHANDRA SEKHAR REDDY
: MEMBER (J)

AND

THE HON'BLE MR.

DATED: 23/2/1993

ORDER/JUDGMENT:

R.P./C.P./M.A. No. 156/93

in

149/93

M.A. No.

T.A. No.

(W.P. No.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed as withdrawn

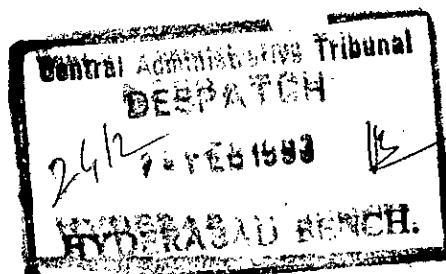
Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs.

pvm



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

O.A.No.149 of 93

Between:

S. Padmavathi

.. Applicant

And

Union of India
Represented by
Chairman Railway Board & Others.

.. Respondent(s)

COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS

I, P. Seetharamaiah, son of Sri P. Raghavaiah aged 56 years, Occupation Government service, do hereby solemnly affirm and state as follows:

1. That, I am Chief Personnel Officer (IR) and in-charge of the Medical (Non-Gaz) Cadre and as such I am well acquainted with the facts of the case. I am filing this counter affidavit on behalf of all the Respondents as I am authorised to do so. The material averments in the O.A. are denied save those that are expressly admitted herein. The Applicant is put to strict proof of all such averments except those that are specifically admitted hereunder.

2. The respondent submit the brief history of the case as follows:-

(i) Medical Department has two types of cadres of Nurses - one cadre consisting of Staff Nurses, Nursing Sisters and Matrons and the other consisting of Public Health Nurses. The grades allotted to these categories prior to the revision of Scales, as a result of recommendations of IV Pay Commission, were as under:-

ఉపకార్మిక అధికారి
దాఖలు కొరకు మిక్కాలాగా
Asst. Personnel Officer,
S. C. Ry., Secunderabad.

ప్రార్థిత అధికారి (C.P.O.)
ప. వ. రెడ్డి, ప్రార్థిత
Chief Personnel Officer of A.A., T.I., G.O.
G. O. Ry. Secunderabad

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	<u>Category</u>	<u>Scale allotted</u> Rs.
1.	Staff Nurses	425-640 (RS)
2.	Nursing Sisters	455-700 (RS)
3.	Matrons Gr.III	550-750 (RS)
4.	Matrons Gr.II	700-900 (RS)
5.	Public Health Nurses	455-700 (RS)

It is stated that though in Medical Department, there were posts of Public Health Nurses in Scale Rs.455-700 (RS) in some Railways, on this Railway there was no sanction of these posts. It is further submitted that the cadres of Public Health Nurses and Nursing staff (Staff Nurses, Nursing Sisters and Matrons) was different and cannot be interchangeable. At any rate, in as much as, the posts of Public Health Nurses are not available on this Railway, this aspect was not relevant at any time.

(ii) During the year 1967, to encourage Family Planning activities and to educate Family members of Railway employees regarding Family Planning and its benefits, it was decided to set up a Family Planning Organisation. The said Organisation included posts of Public Health Nurses in Gr.Rs.425-700 (RS). The applicants were recruited as Public Health Nurses in Family Planning Organisation. Though they were to be recruited in Scale Rs.425-700 (RS), they were recruited in Scale Rs.455-700 (RS), erroneously.

(iii) It is submitted that with the introduction of Public Health Nurses in Family Planning (now Family Welfare Organisation) there came to exist three classes of Nurses viz:-

- 3 -

1. Nurses viz Staff Nurses, Nursing Sisters & Matrons	Para Medical Staff
2. Public Health Nurses	
3. Public Health Nurses	FWC

(iv) On South Central Railway, item No.2, Public Health Nurses, under Para-Medical Staff, are not available. However, the Public Health Nurses were recruited for Family Welfare Organisation were placed in Scale Rs.455-700 (RS), instead of in Scale Rs.425-700 (RS). It is further submitted that the Public Health Nurses, irrespective of whether belonging to Medical Department or Family Welfare Organisation, had no avenue of promotion to higher grades.

(v) In IV Pay Commission report, out of the above 3 categories, staff of Nursing cadre (Genl.) were given special grades keeping in view of special nature of their duties and other factors, vide Schedule No.VIII of Board's letter No.PC.IV/86/01/20/1 of 24.9.86, as under:-

Category	Scale Rs.	Revised Scale from 1.1.1986.
Staff Nurses, 425-640 (RS)-	1400-2600 (RSRP)	
Nursing Sisters 455-700 (RS)-	1640-2900 (RSRP)	
Matrons Gr.III 550-750 (RS)-	2000-3200 (RSRP)	
Matrons Gr.II 700-900 (RS)-		

All the other categories, were to be given standard equivalent grades. In other words, the Public Health Nurses were to be given standard equivalent grade recommended in IV Pay Commission report. The grades of Rs.425-700 (RS) and Rs.455-700 (RS) were replaced by scale Rs.1400-2300 (RSRP) in IV Pay Commission report. Hence, the applicants, who were in scale Rs.425-700 (RS) Rs.455-700 in Family Welfare Organisation, were to be given

सदायक अधिकारी
राज्य पर्याय अधिकारी
Asst. Personnel Officer
S. C. Rly., Secunderabad.

.....
S. C. Rly., Secunderabad.

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the grade of Rs.1400-2300 (RSRP). Once again under wrong impression that the Public Health Nurses are eligible for the benefits of Nursing cadre, they were fitted in scale Rs.1640-2900 (RSRP), which was not supported by any rule under IV Pay Commission. The revised grades recommended in IV Pay Commission for various Nursing staff are as under:-

<u>Category</u>	<u>Revised Scale</u>	
	Rs.	
Staff Nurses	1400-2600 (RSRP)	
Nursing Sister	1640-2900 (RSRP)	
Matrons Gr.III	2000-3200 (RSRP)	Para Medical Staff
Matrons Gr.II		
Public Health Nurses	1400-2300 (RSRP)	
Public Health Nurses	1400-2300 (RSRP)	F.W.O.

The irregularities committed in fixing the Public Health Nurses in the revised scale Rs.1640-2900 (RSRP), came to light only when some of the Nursing Sisters represented against assigning of seniority to Public Health Nurses of erstwhile Family Welfare Organisation, above them in the category of Nursing Sisters, Scale Rs.1640-2900 (RSRP).

(vi) The Railway Board, vide their letter dated 3.5.83, issued instructions to form a separate Family Welfare cadre. Inter-alia, the Board abolished the posts of Public Health Nurses, Scale Rs.425-700 (RS) in Family Welfare Organisation, replacing by Lady Health Visitors, Scale Rs.330 - 560 (RS). The Board also instructed that the FHNs, Scale Rs.425-700 (RS), of FWO who have Qualifications required for appointment as Staff Nurses, may be absorbed in that category in Medical

सहायक कार्यालय अधिकारी
दस्तिग प्रमा. राज्य. विभाग
Asst. Personnel Officer
S. C. Rly. Secretariat

...5...

राज्य कार्यालय (प्र. प.)
D. C. O., राज्य
Chief Personnel Officer (I.)
D. C. O. Bureau

Department, since there was no scope of their absorption in the new FWO cadre.

(vii) The Public Health Nurses, who ought to be in scale Rs.1400-2300 (RSRP), in FWO, were to be absorbed as Staff Nurses, scale Rs.1400-2600 (RSRP). It is submitted that equating the Public Health Nurses of Gr.Rs.425-700 (RS) to Scale Rs.1640-2900 (RSRP), under IV Pay Commission, as well as their absorption as Nursing Sisters, in Scale Rs.1640-2900 (RSRP), are irregular and erroneous.

(viii) In the month of Jan. 1993, when it was proposed to hold a selection to the posts of Matrons, Scale Rs.2000-3200 (RSRP), the applicants were shown at S.Nos.1, 2 & 5, respectively, in the seniority list of Nursing Sisters, Scale Rs.1640-2900 (RSRP), for consideration for posts of Matrons. The Nursing Sisters, Scale Rs.1640-2900 (RSRP), of Medical Department, who were aggrieved, made a representation to the administration regarding their seniority. It was at this juncture that the whole issue was examined and irregularities detected. Immediately, corrective steps were taken to delete their names from the seniority list of Nursing Sisters, scale Rs.1640-2900 (RSRP), duty cancelling the orders of their absorption as Nursing Sisters, issued in 1991. The applicants were advised of the same, vide the impugned orders. It is submitted that the applicants, who were PHNs and ought to be in Gr.Rs.1400-2300 (RSRP), are entitled to their absorption as Staff Nurses, Scale Rs.1400-2600 (RSRP), as per Board's orders of 3.5.83, and seniority in that grade from the dates

J. G. Rao
सुदूरपश्चिम राज्यपाल अधिकारी
दर्जना प्रमुख अधिकारी, रेलवे विभाग
Asst. Personnel Officer,
S. C. Rly., Secunderabad.

P. C. Rao
सुदूरपश्चिम राज्यपाल (पी. ई.)
प. ई. रेलवे, रेलवे विभाग
Asst. Personnel Officer (I: L),
S. C. Railway, Secunderabad.

of their absorption in that grade viz., from 25.9.91, the date on which they were absorbed.

3. In reply to the contents of Para 6 of the O.A., the respondents submit their reply as follows:-

a) It is submitted that the Applicants 1 to 3 were recruited as Public Health Nurses (in short PHN) in Scale Rs.455-700 for the Family Planning Organisation and posted on 1.12.82, 8.2.77 and 28.4.82 respectively. It is submitted that the Family Planning Organisation (Now Family Welfare Organisation for short FWO) had only PHN in grade 425-700 and not 455-700. However it is true that the applicants were recruited as PHNs in 455-700. However the erroneous recruitment to Grade 455-700 has no bearing in the case since both Grades 425-700 and 455-700 was equated to 1400-2300 in the IV Pay Scales. The contention of the applicants that their recruitment grade 455-700 is equivalent to 1640-2900 in IV Pay Commission Scales is not correct.

b) It is submitted that when the PHN are to be absorbed in the nursing cadre, they can be absorbed only in the initial recruitment grade i.e. Staff Nurses in Scale Rs.425-640/1400-2600. This is more so because recruitment is to be made in the lowest grade and the posts of Nursing Sisters are in the intermediate stage.

c) It is submitted that action was taken to absorb the PHN in Medical Department. While fixing Seniority, the service put in ~~as~~ PHNs was reckoned in the grade of Nursing

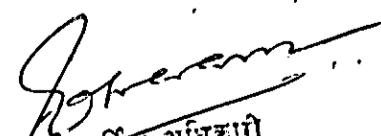
R. S. R.
राज्य सेवा विभाग
संघ. देश रेल. फैसला १९८३.
Asst. Personnel Officer.
S. C. Rly. Secunderabad

P.
राज्य सेवा विभाग (सी. ए.)
व. ए. रेल. फैसला.
Chair. P. & C. C. (S. C. R.)
S. C. Railway Secunderabad

Sisters which was incorrect. The PHN should have been assigned the bottom seniority in the grade of staff nurses but erroneously their seniority was fixed as stated above.

d) It is submitted that the contention of the applicants in Para 6.3 that the entry in Circular No. PC. III-79/Standardisation/3 dated 19.6.83, at S.No.41, the Grade shown in respect of Public Health Nurses, redesignated as Nursing Sisters under Family Planning Organisation is false, baseless and misconceived. Public Health Nurses in Para-Medical wing are placed in Gr.Rs.455-700 (RS), whereas, Public Health Nurses in Family Planning Organisation is in Scale Rs.425-700 (RS), as per III Pay Commission Scales. It is further submitted that the equivalent grade for Public Health Nurses, Scale Rs.425-700 (RS) in IV Pay Commission is Rs.1400-2300 (RSRP) and not Rs.1640-2900 (RSRP), as contended by the applicants, though the salary were drawn in Scale Rs.1640-2900 (RSRP), under erroneous reading of the rules and Scales. It is clarified that redesignating PHNs as Nursing Sister is without change in service conditions and avenue of promotion. However this cannot bring them on par with Nursing Sisters of General & Nursing Cadre, wherein Nursing Sisters are in an intermediate grade in the avenue and the posts of which are filled up solely by promotion of Staff Nurses and none else.

e) As per Avenue of promotion of Nursing cadre, the posts of Matrons, Scale Rs.2000-3200 (RSRP), are required to be filled in by the promotions of Nursing Sisters, through a


सहायक कार्यालय अधिकारी
दर्दिका मध्य रेलवे, फिल्डरायाद.
Asst. Personnel Officer.
S. C. Rly., Secunderabad

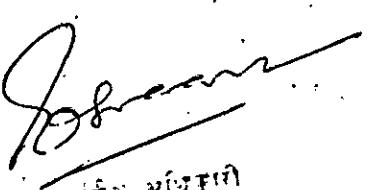

गोपनीय कार्यालयी (बी. ए.)
बी. ए. रेलवे, फिल्डरायाद.
Guest Personnel Officer (I: I).
B. E. Rly., Secunderabad

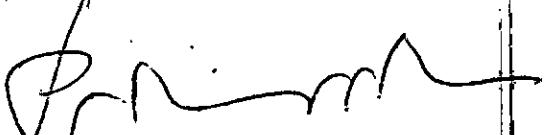
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process of selection. During the year 1992, it was proposed to hold a selection for filling up of 22 vacancies of Matrons and a notification was issued, vide this office letter of 26.8.92, advising the eligible employees, including the applicants, to be in readiness to appear for Written examination at short notice. The Written examination were notified vide this office letter of 23.11.92, ~~where~~ ^{new} in the names of the applicants were also included.

f) As already mentioned in the pre-para, it is mentioned that the orders contained in Board's letter of 3.5.83 have not been correctly appreciated, while agreeing to the absorption of PHNs of FWO as Nursing Sisters, Some of the affected employees have also represented against the interpolation of the names of the Applicants in the seniority list of Nursing Sisters, scale Rs.1640-2900 (RSRP). The case was, therefore, examined further and was decided to cancel the orders issued absorbing the PHNs as Nursing Sisters, Scale Rs.1640-2900 (RSRP). The applicants were issued a Show-Cause Notice vide this office letter No.P(MD)612/NS/III of 12.1.93, that it was proposed to absorb them as Staff Nurses, which is the recruitment grade in the cadre of Nurses. The organised labour, were advised of the proposed deletion of the names of the Applicants from the seniority list of Nursing

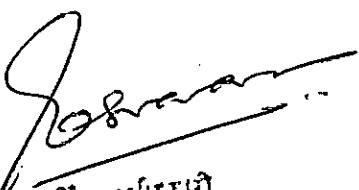

प्राप्त कर्त्तव्य अधिकारी
दूधल मत्रा लेन्ड, इंडिया बांद
Asst. Personnel Officer
S. C. Rly., Secunderabad.

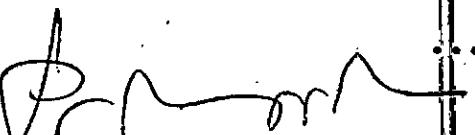

प्राप्त कर्त्तव्य अधिकारी (वी. ए.)
वी. ए. रेड्डी, इंडिया बांद
Chief Personnel Officer (V. R.)
S. C. Rly., Secunderabad

Sisters. The representation received from the Organised Labour, in this connection, was examined and a reply was sent to them.

g) The contention of the applicants in Para 6.7 that Board in their letter of 3.5.83, have not indicated that the PHNs be absorbed as Staff Nurses, which is a lower grade/not correct. The Board have clearly advised that the PHNs of FWO, who possess the minimum qualifications required for staff Nurses, may be absorbed as Staff Nursing Sisters.

h) As per the interim orders passed by this Hon'ble Tribunal it was proposed to consider the applicants also for the supplementary viva-voce which was to be held on 26.1.93/24.2.93 along with others. The Supplementary viva-voce could not be held on 24.2.93/26.2.93 due to unavoidable circumstances. The Board, vide their letter dt.27.1.93 while communicating the orders of restructuring of certain Group 'C' cadres, have advised that the selections, which were in process and could not be finalised on 28.2.93, should be abandoned. In view of this, the selection to the posts of Matrons, which was on hand was abandoned and the vacancies existed as on 1.3.93 and those occurred as a result


सहायक लाईफ अधिकारी
दस्तिग प्रभु राजेन्द्र, निकायदाता
Asst. Personnel Officer,
S. C. Rly., Secunderabad


प. व. वेंकटेश्वरान् (प. व.)
P. V. Venkateswaran
Asst. Personnel Officer (P. V. V.),
S. C. Railway, Secunderabad

In the CAT./Hg

CA.No. 169 of 93

S. Padmavathi - Applicant



Counter affidavit filed
on behalf of the respondent

~~Ex-Sub~~
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1107

Filed by

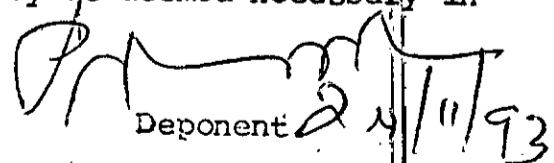
V. Bhimanna
S. Jarkhys.

of restructuring, are being filled by simplified selection.

The applicants are also being considered for simplified selection and 3 posts reserved to be filled based on the outcome of the O.A.

i) It is further submitted that irrespective of the grade the posts of PHNs of FWO that carry either Rs.455-700 (RS) or Rs.425-700 (RS) are to be absorbed as staff Nurses, Scale Rs.425-640 (RS) which is the recruitment grade in the cadre of Nurses. The contention of the applicants in Para 6.9 that the Railway Board wrongly mentioned the Scale of PHNs as Rs.425-700 instead of 455-700 corresponding to Rs.1640-2900 has no basis. In fact there is no grade of Rs.455-700 for the PHNs and hence the Rly. Board correctly mentioned the Grade as Rs.425-700. However, as stated supra the recruitment of the applicants in the grade Rs.455-700 was erroneous and the applicants can not get any vested right out of an erroneous action taken by the Railway Administration.

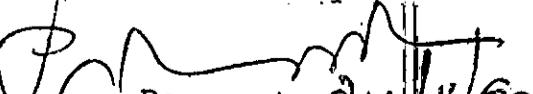
For the reasons stated above, there are no merits in the O.A. and this Hon'ble Tribunal may be pleased to dismiss the same with such other orders as may be deemed necessary in the circumstances of the case.


Deponent 21/11/93

Verification:

I hereby state that the contents of the above affidavit are true to the best of my knowledge and information. Hence verified on this 25th day of Nov. 1993, at Hyderabad.


Asst. Personnel Officer
S. C. Rly., Secunderabad
Asst. Personnel Officer
S. C. Rly., Secunderabad


Deponent 21/11/93
S. C. Rly., Secunderabad
Asst. Personnel Officer (I. P.)
S. C. Rly., Secunderabad

II COURT

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

M.A.MR.A/C.A No:-

ORIGINAL APPLICATION NO. 1007 of 1993

Transfer Application No.

Old Petition No.—

Certified

CERTIFICATE

Certified that no further action is required to be taken
and the case is fit for consignment to the Record Room (Decided).

Dated: 20/11/93

Counter Signed.

Court Officer/Section Officer

YLKR

Signature of the Dealing Asst.

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 149 of 1993

DATE OF DECISION: 14.2.97

S Padmavati & Ors

APPLICANT

Versus

Union of India & Ors.

RESPONDENTS

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?

M

2. Whether it be circulated to all the Benches of C.A.T. or not?

HRN
Vice Chairman/Member (Adm.)

HBSJP
MEMBER (Jud.)

67

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Original Application No. 149/93

Date of Order: 14-02-1997

Between :-

1. S.Padmavathi
2. I.Vishwa Bharati
3. V.Pushpa Rajyam

... Applicants

And

1. Union of India, rep. by the Chairman, Railway Board, Rail Bhavan, New Delhi.
2. General Manager, S.C.Railway, Rail Nilayam, Sec'bad.
3. The Chief Personnel Officer, S.C.Railway, Rail Nilayam, Sec'bad.

... Respondents

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Counsel for the Applicants : Shri T.Lakshminarayana

Counsel for the Respondents : Shri V.Bhimanna, SC for Rlys

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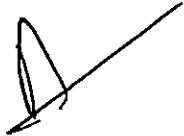
CCRAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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... 2.

(ORDER PER HON'BLE SHRI R.RANGARAJAN, MEMBER (A))

Heard Shri Rangadas for Shri T.Lakshminarayana, learned counsel for the applicants, Shri V.Bheemanna, learned standing counsel for the respondents.

2. Smt. Rashmi Choudhary, Dy.C.P.O., S.C.Railway, incharge of the medical branch was present in the court to assist in the proceedings.

3. There are three applicants in this OA. They were initially appointed as Public Health Nurses in the scale of pay of Rs.455-700 on 1.12.72, 21.12.76 and 28.4.82 respectively. It is stated that the cadre of Public Health Nurses was having no further promotion opportunities and hence that cadre was replaced by a lower grade cadre of Lady Health Visitors and the Public Health Nurses, thus rendered surplus, were to be absorbed in the main stream staff nurse cadre and to that effect a proposal was mooted by the Railway Board in the year 1982. In pursuance of that proposal, the three applicants in this OA who were appointed as Public Health Nurses in the grade of Rs.455-700 were absorbed in the staff Nurse Cadre. The Staff Nurse cadre in the Railways is having the initial pay scale of Rs.425-640.

4. No material was produced either in the reply or at the time of arguments to show that these three applicants were absorbed in the nursing sister category after giving them the option for the integration. No material is also shown informing the applicants herein that in case they opt

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out of the merger, there will be no promotional prospects for them as the category of 'Public Health Nurses' is a dead-end category with no growth opportunity. No material was also forthcoming that their pay was fixed in the scale of pay of Rs.425-640 after the merger, protecting their last pay drawn in their earlier pay scale of Rs.455-700.

5. Recommendations of the Fourth Pay Commission were accepted by the Government with effect from 1.1.86. Except for the medical cadre of the Railways, the pay scale of Rs.425-640 and Rs.455-700 were merged. For medical Department the merger of the time scales of pay was not done and they were kept independent. The replacement scale for Rs.425-640 is Rs.1400-2660 and for Rs.455-700 it is Rs.1640-2900. The above fact was not denied by Smt.Rashmi Choudhary at the time of hearing and submitted that the above position is factual.

6. The applicant and others were informed by the Office Order No.D/117/90 (Lr.No.P/MD/529/FWP/Vol.IV) dated 5.11.90. (Annexure-VI) that the Public Health Nurses in the scale of pay of Rs.455-700/1640-2900 were merged along with the cadre of Staff Nurse in the scale of pay of Rs.1400-2600. It was also informed by the above quoted office order, the seniority position of the three applicants herein. By the office order No.MD-63/91 dated 25.9.91 (Annexure VII) the applicants' scale of pay was shown as Rs.1640-2900 and the interpolated seniority position of the applicants in the seniority list of Nursing Sisters in the scale of pay of Rs.1640-2900 was also indicated. It is stated in the reply that the office order dated 25.9.91 was

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issued by pressure brought on the respondents by one of the recognised staff Unions. By letter No.P(MD)612/NS/Vol.II dated 1.7.92 (Annexure VIII) the seniority position of the three applicants herein vis-a-vis staff nurses in the pay scale of Rs.1640-2900 as on 1.7.92 was also issued. On the basis of the above seniority in the grade of Rs.1640-2900, they were called for selection for the higher grade post of Matron in the scale of pay of Rs.2000-3200. In the integrated seniority list of candidates called for Matron's selection, the applicants were at Sr.No.1, 2 and 5 respectively (Annexure IX to the OA). They appeared for the written test for the post of Matron and also qualified for being called for viva-voce as per letter no.P(MD)608/Matron/Vol.III dated 23.11.92. At this juncture, it is stated that the other staff nurses who were appointed initially itself in the main stream of Staff Nurses have questioned the wisdom of the respondents to interpolate the seniority of the applicants in the pay scale of Rs.1640-2900 and on that basis permitting them to appear for the matron's selection. Due to the pressure brought on the respondents by the Staff Nurses, the decision taken to interpolate the seniority of the three applicants in the scale of pay of Rs.1640-2900 was cancelled under the pretext that the Railway Board's letter No.E(NG) II/83/PO/135 dated 3.5.83 was erroneously interpreted and hence cancellation is called for by Memo No.P(MD) 529/FWO dated 28.12.92 (Annexure XI). Because of the deletion of the names of these applicants from the seniority list of Rs.1640-2900, they were not allowed to appear for the viva-voce test and the same was informed to them by letter No.P(MD)612/NS/Vol.III dated 12.1.93



(Annexure XII).

7. Aggrieved by the above memoranda, they have filed this OA challenging the communication dated 28.12.92 served on them on 4.1.93 and the subsequent proceeding dated 12.1.93 issued by R-3 as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution and for a consequential direction to consider them for the post of Matron in the scale of pay of Rs.2000-3200 if they are found suitable following the provisional seniority list issued on 1.7.92 (Annexure VIII).

8. An interim order was issued in this OA dated 23.2.93. By this order, R-3 was directed to provisionally interview the three applicants also on the date of interview. However, the result of the interview shall not be published by the respondents until further orders.

9. The main argument advanced by the respondents in this OA is that the Public Health Nurses had no promotional opportunities and hence that cadre was merged with the main stream cadre of Staff Nurses in accordance with the instructions given by the Railway Board in their Memorandum dated 3.5.83 to help the Public Health Nurses. By erroneous interpretation of the Railway Board's letter, the three applicants herein were placed in the scale of pay of Rs.1640-2900 instead of the lower scale of Rs.1400-2300, after the introduction of the Fourth Pay Commission's scales of pay. Due to the pressure exerted by one of the recognised Unions, they were interpolated in the seniority list of Staff Nurses in the scale of pay of Rs.1640-2900

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and on that seniority basis, they were allowed to sit for the selection of Matron. Once again when the Staff Nurses who were recruited earlier in the main stream of medical cadre objected to the interpolation of the three applicants in the scale of Rs.1640-2900, their names were rescinded from that seniority list, thus making them ineligible for consideration for the post of Matron.

10. The learned counsel for the applicants submits that they were appointed in the scale of pay of Rs.455-700 and they should be given the replacement scale of Rs.1640-2900 only after the introduction of the Fourth Pay Commission's scales of pay as there was no merger of the scales of pay of Rs.425-640 and Rs.455-700 for medical department. The relative seniority position was correctly shown in the scale of pay of Rs.1640-2900 and thus they were correctly called for the selection to the post of Matron. Further steps taken by the respondents to delete their names from the seniority list of Rs.1640-2900 is uncalled for and without any basis. The injury was inflicted on the applicants due to the pressure exercised on R-3. Hence, they pray that they should be promoted to the post of Matron, if found fit in the selection as per their seniority in the scale of pay of Rs.1640-2900.

12. The main points that arise for consideration in this OA are-

(i) Whether the applicants were given a chance to give their option for merger and if so, what option were exercised by them. Whether they were informed of their pay

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fixation in the scale of pay of Rs.425-640.

(ii) Whether any notice was given while deleting their name from the seniority list of Rs.1640-2900. If no notice was given, whether the deletion of their name from the seniority list of Rs.1640-2900 after they qualified in the written exam for Matron is proper or not.

(iii) Whether any rule was followed by R-3 while including their name in the seniority list of Rs.1640-2900 and deleting their name from the seniority list or whether the action of R-3 in inclusion and deletion as above was for extraneous reasons.

13. As stated earlier, there is no record to prove that option was given to the applicants herein while merging them with the main stream Staff Nurse cadre. If option was given and the applicants did not opt for the merger, they should have been made aware of the fact that they have no future promotional prospects. If inspite of that fact, the applicants did not agree for their merger in the scale of pay of Rs.425-640, then the respondents will have no responsibility if the applicants complain later regarding lack of promotional opportunity. If they agree to merge, then their pay fixation chart should have been issued probably protecting their last pay drawn in the scale of pay of Rs.455-700 in accordance with the rules. None of the steps as indicated above had been taken by the respondents. Respondents failed to discharge their function under the circumstances referred to above. On the contrary, the applicants were shown in the seniority list

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of Rs.1640-2900 bowing to the pressure of the Union. When the staff nurses pressed for deletion of the applicants' names from the seniority list of Rs.1640-2900, R-3 readily agreed to their request. The inclusion and deletion were done bowing to the pressure from one side or the other without following any rules. Thus the action of R-3 is not befitting to his status. The organisation which boasts of over 100 years of existence cannot follow a path which is not charted by any rule of law. This executive action ~~unreasonable~~ smacks of unreasonability and hence has to be held as arbitrary and irregular.

14. When the applicants were brought on to the scale of Rs.425-640 from the grade of Rs.455-700 to which they were initially appointed, rules should be strictly followed as otherwise such reduction in scale may tantamount to imposition of major penalty. No penalty can be issued without following the Discipline and Appeal Rules and rules of principles of natural justice. As no rule was followed as indicated above, the applicants cannot be allowed to suffer.

15. The respondents having failed to discharge their functions according to law as indicated above, the employees i.e, the applicants herein cannot be allowed to suffer. In that view, they should be given seniority in the Fourth Pay Commission's replacement scale of Rs.1640-2900. As the scale of Rs.425-640 and Rs.455-700 is not merged after introduction of the Fourth Pay Commission's scales for Medical Department, there may not be reason to give the replacement scale of Rs.1400-2600 to holders of

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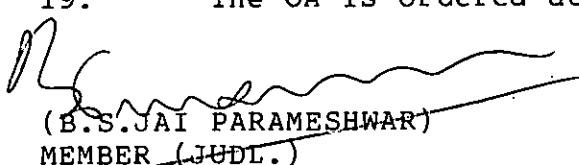
erstwhile Third Pay Commission's scale of pay of Rs.455-700 instead of equating that scale ^{to that} of Rs.1640-2900.

16. When the above lapses of the administration were brought to the notice of the learned counsel for the respondents and to the Dy.CPO present in the court with a view to know whether the respondents will relent their action and make corrections, it was informed that the respondents cannot retrace their path as it will put the Railways in a tight situation. We do not appreciate this attitude of the respondents. If a mistake is committed, there is no harm in setting it right. There is no prestige involved in the correction of the mistake. We are sorry to note the attitude of the respondents.

17. In view of what is stated above, we are satisfied that the applicants have made out a case for continuing them in the seniority list of Rs.1640-2900 and to consider them for promotion if they are otherwise found eligible to the next higher grade.

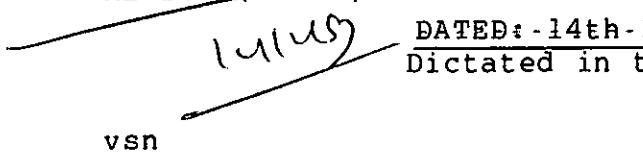
18. On the basis of the facts and circumstances of this case, the impugned proceedings dated 28.12.92 and dated 12.1.93 are set-aside. The names of the 3 applicants herein should be interpolated in the seniority list of Staff Nurses in the scale of pay of Rs.1640-2900 and their promotion to the post of Matron should be considered on that basis subject to the fulfilment of other conditions.

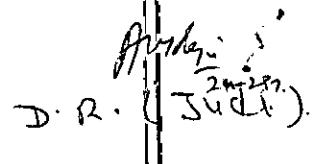
19. The OA is ordered accordingly. No costs.


(B.S.JAI PARAMESHWAR)
MEMBER (JUDL.)


(R.RANGARAJAN)
MEMBER (ADMN.)

vsn


DATED: - 14th - February, - 1997
Dictated in the open court.


D.R. (JUDL.)

1. Cf :

Copy pass

2. The Agency will be asked to take certain steps to help the
new DCPA.

3. The Secretary General, UNO, will be informed of the
appointment of the new DCPA.

4. One copy to SRI, T. International, SC for SRI, CAT, IFC.

5. One copy to SRI, V. Services, SC for SRI, CAT, IFC.

6. One copy to PIPER JAFFRAY, CAT, NY.

7. One copy to Debunk Jaffray (A), CAT, NY.

8. One copy to DCPA.

Ans

Copy to:-

1. The Chairman, Union of India, Railway Board, Rail Bhavan, New Delhi.
2. The General Manager, S.C.Railway, Railnilayam, Sec'bad.
3. The Chief Personnel Officer, S.C.Rly, Railnilayam, Sec'bad.
4. One copy to Sri. T.Lakshminarayana, advocate, CAT, Hyd.
5. One copy to Sri. V.Bhimanna, SC for Rlys, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One copy to Deputy Registrar(A), CAT, Hyd.
8. One spare copy.

Rsm/-

2/13/97

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(A)
AND
THE HON'BLE SHRI B.S.JAI PARAMESHWAR:
M(J)

DATED: 14/2/97

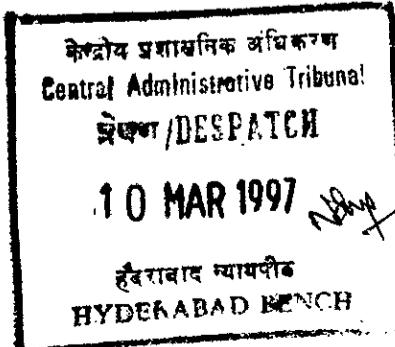
Order/Judgement
R.P/C.P/M.A.NO.

in
D.A.NO. 14/2/97

OMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPENSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
DISMISSED FOR DEFAULT
ORDERED/REJECTED
NO ORDER AS TO COSTS.

II COURT

YLKR



(ORDER PER HON'BLE SHRI R.RANGARAJAN, MEMBER (A)

Heard Shri Rangadas for Shri T.Lakshminarayana, learned counsel for the applicants, Shri V.Bheemanna, learned standing counsel for the respondents.

2. Smt. Rashmi Choudhary, Dy.C.P.O., S.C.Railway, incharge of the medical branch was present in the court to assist in the proceedings.

3. There are three applicants in this OA. They were initially appointed as Public Health Nurses in the scale of pay of Rs.455-700 on 1.12.72, 21.12.76 and 28.4.82 respectively. It is stated that the cadre of Public Health Nurses was having no further promotion opportunities and hence that cadre was replaced by a lower grade cadre of Lady Health Visitors and the Public Health Nurses, thus rendered surplus, were to be absorbed in the main stream staff nurse cadre and to that effect a proposal was mooted by the Railway Board in the year 1982. In pursuance of that proposal, the three applicants in this OA who were appointed as Public Health Nurses in the grade of Rs.455-700 were absorbed in the staff Nurse Cadre. The Staff Nurse cadre in the Railways is having the initial pay scale of Rs.425-640.

4. No material was produced either in the reply or at the time of arguments to show that these three applicants were absorbed in the nursing sister category after giving them the option for the integration. No material is also shown informing the applicants herein that in case they opt

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THE CIVIL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Original Application No. 149/93

Date of Order: 14-02-1997

Between :-

1. S. Padmavathi
2. T. Vishwa Bharati
3. V. Pushpa Rajyam

... Applicants

And

1. Union of India, rep. by the
Chairman, Railway Board, Rail Bhawan
New Delhi.

2. General Manager,
S.C.Railway, Rail Nilayam,
Sec'b'd.

3. The Chief Personnel Officer,
Railway, Rail Nilayam, Sec'b'd.



... Respondents

Chapman for 6th Applicants : Shri T.Lakshminarayana

Respondents: Shri V.Bhimanna, SC for Rlys

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DR. RANGARAJAN : MEMBER (A)

Under the Hon'ble Shri R.Rangarajan, Member (A)).

218

issued by pressure brought on the respondents by one of the recognised staff Unions. By letter No.P(MD)612/NS/Vol.II dated 1.7.92 (Annexure VIII) the seniority position of the three applicants herein vis-a-vis staff nurses in the pay scale of Rs.1640-2900 as on 1.7.92 was also issued. On the basis of the above seniority in the grade of Rs.1640-2900, they were called for selection for the higher grade post of Matron in the scale of pay of Rs.2000-3200. In the integrated seniority list of candidates called for Matron's selection, the applicants were at Sr.No.1, 2 and 5 respectively (Annexure IX to the OA). They appeared for the written test for the post of Matron and also qualified for being called for viva-voce as per letter nO.P(MD)608/Matron/Vol.III dated 23.11.92. At this juncture, it is stated that the other staff nurses who were appointed initially itself in the main stream of Staff Nurses have questioned the wisdom of the respondents to interpolate the seniority of the applicants in the pay scale of Rs.1640-2900 and on that basis permitting them to appear for the matron's selection. Due to the pressure brought on the respondents by the Staff Nurses, the decision taken to interpolate the seniority of the three applicants in the scale of pay of Rs.1640-2900 was cancelled under the pretext that the Railway Board's letter No.E(NG) II/83/PO/135 dated 3.5.83 was erroneously interpreted and hence cancellation is called for by Memo No.P(MD) 529/FWO dated 28.12.92 (Annexure XI). Because of the deletion of the names of these applicants from the seniority list of Rs.1640-2900, they were not allowed to appear for the viva-voce test and the same was informed to them by letter No.P(MD)612/NS/Vol.III dated 12.1.93

out of the merger, there will be no promotional prospects for them as the category of 'Public Health Nurses' is a dead-end category with no growth opportunity. No material was also forthcoming that their pay was fixed in the scale of pay of Rs.425-640 after the merger, protecting their last pay drawn in their earlier pay scale of Rs.455-700.

5. Recommendations of the Fourth Pay Commission were accepted by the Government with effect from 1.1.86. Except for the medical cadre of the Railways, the pay scale of Rs.425-640 and Rs.455-700 were merged. For medical Department the merger of the time scales of pay was not done and they were kept independent. The replacement scale for Rs.425-640 is Rs.1400-2660 and for Rs.455-700 it is Rs.1640-2900. The above fact was not denied by Smt.Rashmi Choudhary at the time of hearing and submitted that the above position is factual.

6. The applicant and others were informed by the Office Order No.D/117/90 (Lr.No.P/MD/529/FWP/Vol.IV) dated 5.11.90. (Annexure-VI) that the Public Health Nurses in the scale of pay of Rs.455-700/1640-2900 were merged along with the cadre of Staff Nurse in the scale of pay of Rs.1400-2600. It was also informed by the above quoted office order, the seniority position of the three applicants herein. By the office order No.MD-63/91 dated 25.9.91 (Annexure VII) the applicants' scale of pay was shown as Rs.1640-2900 and the interpolated seniority position of the applicants in the seniority list of Nursing Sisters in the scale of pay of Rs.1640-2900 was also indicated. It is stated in the reply that the office order dated 25.9.91 was

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10. The learned counsel for the applicants submits that they were appointed in the scale of pay of Rs.455-700 and they should be given the replacement scale of Rs.1640-2900 only after the introduction of the Fourth Pay Commission's scales of pay as there was no merger of the scales of pay of Rs.425-640 and Rs.455-700 for medical department. The relative seniority position was correctly shown in the scale of pay of Rs.1640-2900 and thus they were correctly called for the selection to the post of Matron. Further steps taken by the respondents to delete their names from the seniority list of Rs.1640-2900 is uncalled for and without any basis. The injury was inflicted on the applicants due to the pressure exercised on R-3. Hence, they pray that they should be promoted to the post of Matron, if found fit in the selection as per their seniority in the scale of pay of Rs.1640-2900.

12. The main points that arise for consideration in this OA are-

(i) Whether the applicants were given a chance to give their option for merger and if so, what option were exercised by them. Whether they were informed of their pay

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(Annexure XII).

7. Aggrieved by the above memoranda, they have filed this OA challenging the communication dated 28.12.92 served on them on 4.1.93 and the subsequent proceeding dated 12.1.93 issued by R-3 as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution and for a consequential direction to consider them for the post of Matron in the scale of pay of Rs.2000-3200 if they are found suitable following the provisional seniority list issued on 1.7.92 (Annexure VIII).

8. An interim order was issued in this OA dated 23.2.93. By this order, R-3 was directed to provisionally interview the three applicants also on the date of interview. However, the result of the interview shall not be published by the respondents until further orders.

9. The main argument advanced by the respondents in this OA is that the Public Health Nurses had no promotional opportunities and hence that cadre was merged with the main stream cadre of Staff Nurses in accordance with the instructions given by the Railway Board in their Memorandum dated 3.5.83 to help the Public Health Nurses. By erroneous interpretation of the Railway Board's letter, the three applicants herein were placed in the scale of pay of Rs.1640-2900 instead of the lower scale of Rs.1400-2300, after the introduction of the Fourth Pay Commission's scales of pay. Due to the pressure exerted by one of the recognised Unions, they were interpolated in the seniority list of Staff Nurses in the scale of pay of Rs.1640-2900

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of Rs.1640-2900 bowing to the pressure of the Union. When the staff nurses pressed for deletion of the applicants' names from the seniority list of Rs.1640-2900, R-3 readily agreed to their request. The inclusion and deletion were done bowing to the pressure from one side or the other without following any rules. Thus the action of R-3 is not befitting to his status. The organisation which boasts of over 100 years of existence cannot follow a path which is not charted by any rule of law. This executive action smacks of ~~unreasonableness~~ and hence has to be held as arbitrary and irregular.

14. When the applicants were brought on to the scale of Rs.425-640 from the grade of Rs.455-700 to which they were initially appointed, rules should be strictly followed as otherwise such reduction in scale may tantamount to imposition of major penalty. No penalty can be issued without following the Discipline and Appeal Rules and rules of principles of natural justice. As no rule was followed as indicated above, the applicants cannot be allowed to suffer.

15. The respondents having failed to discharge their functions according to law as indicated above, the employees i.e, the applicants herein cannot be allowed to suffer. In that view, they should be given seniority in the Fourth Pay Commission's replacement scale of Rs.1640-2900. As the scale of Rs.425-640 and Rs.455-700 is not merged after introduction of the Fourth Pay Commission's scales for Medical Department, there may not be reason to give the replacement scale of Rs.1400-2600 to holders of

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fixation in the scale of pay of Rs.425-640.

(ii) Whether any notice was given while deleting their name from the seniority list of Rs.1640-2900. If no notice was given, whether the deletion of their name from the seniority list of Rs.1640-2900 after they qualified in the written exam for Matron is proper or not.

(iii) Whether any rule was followed by R-3 while including their name in the seniority list of Rs.1640-2900 and deleting their name from the seniority list or whether the action of R-3 in inclusion and deletion as above was for extraneous reasons.

13. As stated earlier, there is no record to prove that option was given to the applicants herein while merging them with the main stream Staff Nurse cadre. If option was given and the applicants did not opt for the merger, they should have been made aware of the fact that they have no future promotional prospects. If inspite of that fact, the applicants did not agree for their merger in the scale of pay of Rs.425-640, then the respondents will have no responsibility if the applicants complain later regarding lack of promotional opportunity. If they agree to merge, then their pay fixation chart should have been issued probably protecting their last pay drawn in the scale of pay of Rs.455-700 in accordance with the rules. None of the steps as indicated above had been taken by the respondents. Respondents failed to discharge their function under the circumstances referred to above. On the contrary, the applicants were shown in the seniority list

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erstwhile Third Pay Commission's scale of pay of Rs.455-700 instead of equating that scale ^{to} of Rs.1640-2900.

16. When the above lapses of the administration were brought to the notice of the learned counsel for the respondents and to the Dy.CPO present in the court with a view to know whether the respondents will relent their action and make corrections, it was informed that the respondents cannot retrace their path as it will put the Railways in a tight situation. We do not appreciate this attitude of the respondents. If a mistake is committed, there is no harm in setting it right. There is no prestige involved in the correction of the mistake. We are sorry to note the attitude of the respondents.

17. In view of what is stated above, we are satisfied that the applicants have made out a case for continuing them in the seniority list of Rs.1640-2900 and to consider them for promotion if they are otherwise found eligible to the next higher grade.

18. On the basis of the facts and circumstances of this case, the impugned proceedings dated 28.12.92 and dated 12.1.93 are set-aside. The names of the 3 applicants herein should be interpolated in the seniority list of Staff Nurses in the scale of pay of Rs.1640-2900 and their promotion to the post of Matron should be considered on that basis subject to the fulfilment of other conditions.

19. The OA is ordered accordingly. No costs.

प्रमाणित दर्ता
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न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकारप
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH