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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No/22/2005

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SECTION OFFICER (Judl.)

blabla
03/11/17

FORM NO. 4
(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 122/05
Misc. Petition NO. _____
Contempt petition No. _____
Review Application No. _____
Applicants. Steimah S. S. Mulla
Respondents. U. O. I. Govt.
Advocates for the Applicant. Mr. Adil Ahmed
Advocates of the Respondents. CASE

Notes of the Registry	Dated	Order of the Tribunal
<p>This application is in form is filed/C F. for Rs. 50/- deposited vide IPO/20 No. <u>205/166923</u> Dated <u>30.5.05</u></p> <p><i>Deer</i> Dy. Registrar</p> <p><i>Steps taken with envelopes.</i></p> <p><i>31/5/05</i></p> <p><i>Recd.</i></p> <p><i>376/05</i></p>	<p>01.06.2005</p> <p>mb</p>	<p>Heard Mr. A. Ahmed, learned counsel for the applicant and Ms. B. Debi, learned counsel on behalf Dr. M.C. Sarma for Railways.</p> <p>The application is disposed of in terms of the order passed in separate sheets.</p> <p><i>26/6/05</i> Vice-Chairman</p>

2.6.05
Copy of the Judgment has been sent to the respondents vide D/Nos 868 to 872 and copy of the same handed over to the applicant as well as to the Dy. Standing Counsel.

11.7.05

May kindly be seen
at flag 'A'.

As per Honble Cont's
order dated 01.06.05 the
compliance report in regards
of O.A. 122/05 has been
submitted by ~~the~~ Dr. M. C. Summa
Railway Counsel for kind
information.

kind before the Honble
Cont for favour & order.

W. Suresh
11/7/05
S.C.(C)

P. S. S.

✓
4.
15

✓

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R/L No. 122/2005

DATE OF DECISION 01.06.2005

Smt. S.S. Dutta

.....APPLICANT(S)

Mr. A. Ahmed.

.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS -

U.O.I. & Ors.

.....RESPONDENT(S)

Md. M.C. Sarma

.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the judgment ?
 2. To be referred to the Reporter or not ?
 3. Whether their Lordships wish to see the fair copy of the Judgment ?
 4. Whether the judgment is to be circulated to the other benches ?
- Judgment delivered by Hon'ble Vice-Chairman.

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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 122 of 2005.

Date of Order : This the 1st day of June, 2005.

The Hon'ble Sri Justice G. Sivarajan, Vice-Chairman.
The Hon'ble Sri K.V. Prahladan, Administrative Member.

Smt. Sabita Sahu Dutta
Wife of Sri Ajit Dutta @Ajoy Dutta
Nursing Sister
C/o - Office of the Chief Medical Superintendent,
N.F. Railway Hospital, Katihar,
P.O. - Katihar.

... Applicant

By Advocate Mr. Adil Ahmed.

- Versus -

1. The General Manager (P)
N.F. Railway, Maligaon
Guwahati - 11.
2. The Additional General Manager
N.F. Railway, Maligaon
Guwahati - 11.
3. The Chief Medical Director
N.F. Railway, Maligaon
Guwahati - 11.
4. The Chief Medical Superintendent
N.F. Railway Katihar Hospital
P.O. - Katihar.

... Respondents.

By Dr. M. C. Sarma, Railway Advocate.

ORDER (ORAL)SIVARAJAN, I. (V.C.)

The applicant is a Nursing Sister/CMS KIR. The applicant seeks transfer from Katihar Railway Hospital to Central Hospital Maligaon and for that her husband made an application dated 19.03.2004. Considering the circumstances stated therein, the Chief Medical Director, the 3rd Respondent issued a communication dated 22.4.2004 (Annexure - E) as follows:

"An application dt. 19.03.2004 submitted by Shri Ajoy Dutta, husband of Smt. Sabita Sahu has been considered by the Administration. At present there is no post vacant at Central hospital/Maligaon, where Smt. Sahu can be accommodated. However, taking into consideration the safety & security aspect, she can be transferred immediately to APDJ Divl. Hospital and later on when the post falls vacant at Maligaon, her case will be considered for transfer to Central Hospital/Maligaon."

According to the applicant, a vacancy has arisen in the Central Hospital, Maligaon and therefore, husband of the applicant made a representation dated 08.02.2005 (Annexure - F) to the 3rd Respondent for giving transfer to Central Hospital, Maligaon as promised in the Annexure - E letter.

2. Mr. A. Ahmed, learned counsel for the applicant submits that a direction may be issued to the 3rd Respondent to pass order on Annexure - F as promised in the Annexure - E for the said vacancy or otherwise.

3. Ms. B. Devi, learned counsel appearing on behalf of Dr. M.C. Sarma, learned Railway Counsel submits that representation can be directed to be disposed of.

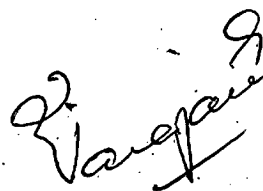
[Signature]

4. In the circumstances, I direct the 3rd Respondent to consider the representation dated 08.02.2005 (Annexure - F) submitted by the applicant's husband in the light of the communication dated 22.04.2004 (Annexure - E) in the matter of transfer of the applicant to the vacancy which ^{has} ~~is~~ arisen in the Central Hospital, Maligaon and take a decision thereon expeditiously.

The O.A. is disposed of as above.

The applicant will furnish a copy of this order to the 3rd Respondent for compliance.

Issue urgent copy.


(G. SIVARAJAN)
VICE CHAIRMAN

/mb/

31 MAY 2005

গুৱাহাটী ন্যায়ালয়
Guwahati Bench

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 122 /2005

Srimati Sabita Sahu Dutta

... Applicant

-Versus -

General Manager, N.F. Railway & Ors.

... Respondents.

LIST OF DATES/EVENTS

- | | |
|------------|---|
| 20.09.1999 | The Applicant was appointed as Staff Nurse under N.F. Railway, Maligaon Guwahati and posted at Katihar Railway Hospital. |
| 27.01.2000 | The Applicant filed an appeal before the General Manager, (P), N. F. Railway for her transfer to Maligaon Central Hospital, N.F. Railway from Katihar Railway Hospital. |
| 2002 | The Applicant was promoted to the post of Nursing Sister. |
| 29.06.2002 | The Applicant was married to Sri Ajoy Dutta of Station Road, Pandu, Guwahati who is working in a Private Company namely Eureka Fobes Limited Guwahati. |
| 11.08.2003 | At about 10.15 P.M. when applicant was in duty with other medical staff and doctors at Katihar N.F. Railway Hospital an untoward incident happened and applicant severally assaulted by miscreants. |
| 19.03.2004 | The husband of the applicant filed an representation before the Additional General Manager, N. F. Railway, Maligaon with a prayer to transfer his wife i.e., the applicant from Katihar N.F. Railway Hospital to Maligaon Central Hospital. |
| 26.03.2004 | The applicant filed a representation before the Chief Medical Superintendent N.F. Railway Hospital, Katihar informing that miscreants had planed to kidnapped her. |
| 22.04.2004 | ✓ The Chief Medical Director, N.F. Railway, Maligaon had informed and assured the husband of the applicant that applicant's case will be considered for transfer to Central Hospital Maligaon when the post fall vacant at Maligaon. |
| 08.02.2005 | The husband of the applicant filed a representation before the Chief Medical Director, N.F. Railway Maligaon that one is likely to be vacant by March, 2005 where his wife can be easily accommodated. |

On 31.03.2005 one Srimati Annapurna Biswas was retired on superannuation from Maligaon Central Hospital but till today the respondents have not taken any steps for transfer of the applicant to Maligaon Central Hospital. Hence this Original Application is filed by the Applicant for seeking justice before this Hon'ble Tribunal

A

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 122 /2005

Srimati Sabita Sahu Dutta

... Applicant

-Versus -

General Manager, N.F. Railway & Ors.

... Respondents.

- I N D E X -

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Filed By


(ADIL AHMED)
ADVOCATE

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.**

**(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT 1985)**

10
Filed by
Smt Sabita Sahu Dutta
Applicant
through
CAVIL AHMED
Advocate

ORIGINAL APPLICATION NO. 122 OF 2005.

BETWEEN

Smt. Sabita Sahu Dutta
Wife of Sri Ajit Dutta @ Ajoy Dutta
Nursing Sister,
C/o - Office of the Chief Medical
Superintendent, N. F. Railway Hospital
Katihar, P.O. - Katihar,
... Applicant

- AND -

1. The General Manager (P)
N. F. Railway, Maligaon
Guwahati - 11.
2. The Additional General Manager
N.F. Railway, Maligaon
Guwahati - 11.
3. The Chief Medical Director
N.F. Railway, Maligaon,
Guwahati - 11.
4. The Chief Medical Superintendent
N.F. Railway Katihar Hospital,
P.O. -Katihar.

... Respondents

Sabita Sahu Dutta

1) DETAILS OF THE APPLICATION PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

This application is not made against any particular order but it is made for seeking a direction from this Hon'ble Tribunal to the respondents, particularly the Respondent No.3 to consider the transfer of the applicant from Katihar Railway Hospital to Maligaon Central Hospital, N.F. Railway as one post is lying vacant since 31.03.2005 due to retirement of one Smt. Annapurna Biswas from Maligaon Central Hospital, N. F. Railway, Maligaon.

2) JURISDICTION OF THE TRIBUNAL:

The Applicant declares that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.

3) LIMITATION:

The Applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1 That your Applicant is a citizen of India and as such she is entitled to all rights and privileges guaranteed under the Constitution of India. She is now aged about 29 years.

4.2 That your Applicant begs to state that she was appointed as Staff Nurse on 20.09.1999 under N.F. Railway, Maligaon, Guwahati and posted at Katihar, N.F. Railway Hospital. She was promoted to the post of Nursing Sister in the year 2002. She is working alone at Katihar N.F. Railway Hospital since 1999 to till date leaving her family. She had filed an appeal before the Respondent No.1 for her transfer from Katihar Railway Hospital to Maligaon Central Hospital and her application was forwarded to Maligaon on 27.01.2000.

Sabita Sahu Dulla

Annexure – A is the photocopy of Appeal submitted by the applicant before the authority concerned on 27.01.2000.

4.3 That your Applicant begs to state that she has married to one Sri Ajoy Dutta resident of Station Colony, Pandu, Guwahati on 29.06.2002. Her husband is working in a private company, namely Eureka Forbes Limited and posted at Guwahati. Her father-in-law who is aged about 73 years and mother-in-law who is aged about 67 years are residing at Pandu with her husband Sri Ajoy Dutta. It may be stated that both father-in-law and mother-in-law of the applicant are suffering from old age ailment.

4.4 That your Applicant begs to state that the Railway Board has issued a Circular vide MISC – 1586 No. E/283/6(C)Pt.III dated 27.01.1998 regarding husband and wife posting in the same station. In the said Circular it has been stated that where one of the spouse is a Railway servant and other is working in a Central/State/Public Sector Undertaking/Autonomous Body/Private Sector, the Railway servant may apply to the Controlling Authority for a posting at the place of posting of his/her spouse which may be considered favourably by the competent authority. It is to be stated that inspite of your applicant's best efforts she could not collect the said Circular, which was issued, by Joint Director, Establishment (N), Railway Board. As such, the Hon'ble Tribunal may be directed the respondents to place the said Circular before this Hon'ble Tribunal.

4.5 That your Applicant begs to state that she is staying alone at Katihar N.F. Railway Hospital since 1999 to till date. On 11.08.2003 at about 10.15 P.M. when your Applicant was on duty at Katihar Railway Hospital, Katihar alongwith other Doctors and Medical Staff, some persons came to Casualty Ward forcefully by breaking Intensive Care Unit door and abused the on duty staff of the Hospital with filthy languages and assaulted duty sisters including one RPF personnel. After the incident FIR was lodged by the Respondent No.4 before the Officer-in-Charge, Katihar Police Station. One of the culprits was identified as Mr. Rajesh employed under the Medical Superintendent, N.F. Railway Jalpaiguri. After lodging of the FIR by the concerned authority the culprits of the said incident had started threatening the applicant with dire consequences. After the said incident the applicant's life has become immeasurable. She feared to go outside of the Railway Hospital complex for

Sabita Sahu Dutta

marketing or any other personal works even in the day time also. As a result she became sick and was under sick leave for few month. After resuming duty from leave she was again threatened by the culprits through some of her colleagues that she might be attacked during the time of Holi. The husband of the applicant Mr. Ajit Dutta filed an application on 19.3.2004 by stating all the facts before the Respondent No. 2 i.e., the Additional General Manager, Maligaon with a prayer for transfer of his wife to Central Hospital Maligaon from Katihar Railway Hospital. The applicant has also filed an application before the Respondent No. 4, i.e. the Chief Medical Superintendent, N.F. Railway Hospital Katihar on 26.03.2004 informing him that the miscreant had planned to kidnapped her.

Annexure - B is the photocopy of FIR dated 13.08.2003 lodged by the Chief Medical Superintendent, N.F. Railway Katihar before the Officer-in-Charge, Katihar Police Station.

Annexure - C is the photocopy of application of transfer dated 19.3.2004 submitted by the applicant's husband before the Additional General Manager, N.F. Railway Respondent No.2.

Annexure - D is the photocopy of representation dated 26.3.2004 submitted by the applicant before the Respondent No.4.

4.6 That your Applicant begs to state that the Respondent No.3 the Chief Medical Director vide his letter No.HE/58/PEVI dated Maligaon, 22.04.2004 addressed to the Chief Medical Superintendent, Katihar stated that "the application dated 19.03.2004 submitted by Sri Ajoy Dutta husband of Smt. Subita Sahu has been considered by the administration. At present there is no post vacant at Central Hospital Maligaon, where Smt. Sahu can be accommodated. However, taking into consideration the safety and security aspects she can be transferred immediately to APDJ Divisional Hospital and later on when the post falls vacant at Maligaon, her case will be considered for transfer to Central Hospital Maligaon."

Annexure - E is the photocopy of the letter No No.HE/58/PEVI dated Maligaon, 22.04.2004.

Sabita Sahu Dutta

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4.7 That your applicant begs to state that her husband Sri Ajit Dutta @ Ajoy Dutta on 08.02.2005 has submitted an application before the Respondent No. 3 the Chief Medical Director stating that he has come to know one post is likely to be vacant by March 2005 in the Central Hospital Maligaon. As such he requested him to consider his wife's transfer sympathetically as and when vacancy falls in the Central Hospital Maligaon. N.I

Annexure - F is the photocopy of the application-dated 08.02.2005 submitted by the applicant's husband before the Respondent No.3.

4.8 That your Applicant begs to state that one Smt. Annapurna Biswas who was working in the Central Hospital Maligaon has been retired from service on superannuation on 31.03.2005. In the said vacancy your Applicant can be easily accommodated. But till today surprisingly the Respondent No. 3 has not taken any steps for transfer of the applicant from Katihar Railway Hospital to Maligaon Central Hospital as assured by the Respondent No. 3 vide his earlier letter No. HE/58/PE.VI dated 22.04.2004 (At Annexure - E of the instant application). Hence, finding no other alternative your applicant is compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

4.9 That your Applicant begs to state that there is a Circular issued by the Railway Board regarding posting of husband and wife at the same place. Inspite of this the Respondents have not taken any steps for transfer of the applicant from Katihar Railway Hospital to Maligaon Central Hospital in the vacant post.

4.10 That your applicant begs to state that since the incident occurred in the month of August at Katihar Railway Hospital, your applicant is feeling unsecured for every and each moment to her life, as she is staying alone at Katihar leaving her whole family at Guwahati. The Respondents are well aware of this fact but due to unknown reason they have not transferred your applicant from Katihar Railway Hospital to Maligaon Central Hospital inspite of existing vacancy since March, 2005.

4.11 That your applicant begs to state that the Hon'ble Tribunal may be pleased to interfere in this matter immediately by granting interim order with a direction to the Respondents not to fill up the said vacant post at Maligaon

Sabita Sahu Dutta

Central Hospital which was occurred due retirement of Smt. Annapurna Biswas since March, 2005 till disposal of this Original Application.

4.12 That your Applicant begs to state that her aged father-in-law and mother-in-law who are suffering from her old age ailment and staying alone with the husband of the applicant at Guwahati. Both of them are in need of constant medical treatment and care.

4.13 That your Applicant begs to state that action of the respondents are illegal, arbitrary, malafide and also not sustainable before the eye of law as well as in facts.

4.14 That your Applicant begs to state that the Respondents have violated the Circular issued by the Railway Board regarding posting of husband and wife at the same station.

4.15 That your Applicant submits that she has got reason to believe that the Respondents are resorting the colorable exercise of power to accommodate their interested persons in their favourable place.

4.16 That your Applicant submits that the action of the Respondents is in violation of the fundamental rights guaranteed under the constitution of India and also in violation of principles of natural justice.

4.17 That your Applicant submits that the action adopted by the Respondents in case of the applicant is improper, malafide, illegal and without jurisdiction.

4.18 That this application is filed bonafide and for the interest of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1 For that, due to the above reasons narrated in details the action of the Respondents is in prima facie illegal, malafide, arbitrary and without jurisdiction.

5.2 For that, the applicant is feeling unsecured to her life after the incident happen on 11.08.2003 at Katihar, as such the Respondents ought to have consider her case in priority basis in the vacant post at Maligaon Central Hospital which occurred due to retirement of Smt. Annapurna Biswas. As such

Sabita Sahu Dulta

there is no justification in denying the said benefit to the Applicant and denial has resulted in violation of Articles 14, 16 & 21 of the Constitution of India.

5.3 For that, the Applicant's transfer application is in no. 1 in the priority registrar under married ground, as such the respondents cannot deny the said benefit to the applicant.

5.4 For that, it is settled proportion of law that when same principles have been laid down in other similarly situated persons then the same principle should be granted to the other persons who are similarly situated.

5.5 For that, the Applicant having been denied the said benefit of husband and wife posting at the same station without any reasonable excuses. As such there is clear violation of the principles of natural justice accordingly proper reliefs are required to be granted to the Applicant.

5.6 For that in any view of the matter the action of the Respondents are not sustainable in the eye of law.

The Applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of instant application.

6) DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the Applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the Applicant further declares that she has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition or suit is pending before any of them.

Sabita Sahu Dulta

8) RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the Applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the Applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

8.1) That the Hon'ble Tribunal may be pleased direct the respondent to transfer the applicant from Katihar Railway Hospital to Maligaon Central Hospital in the existing vacancy of Smt. Annapurna Biswas who was retired from service on 31.03.2005.

8.2) To pass any other relief or relieves to which the Applicant may be entitled and as may be deemed fit and proper by the Hon'ble Tribunal

8.3) To pay the cost of the application.

9) INTERIM ORDER PRAYED:

The Applicant most respectfully prayed that your Lordships may be pleased to direct the respondents to keep the post vacant at Maligaon Railway Hospital till disposal of this Original Application which was occurred due to retirement of Srimati Annapurna Biswas on 31.03.2005

10) Application is filed through Advocate.

11) Particulars of L.P.O.:

I.P.O. No. :- 206-160979
 Date of Issue :- 21-5-05
 Issued from :- G.P.O.
 Payable at :- Gawalpur

12) LIST OF ENCLOSURES:

As stated above.

Verification

Sabita Sahu Dulta

VERIFICATION

I, Smt. Sabita Sahu Dutta, wife of Sri Ajoy Dutta @ Ajit Dutta , aged about 29 years, Nursing Sister, C/o – Office of the Chief Medical Superintendent, N. F. Railway Hospital Katihar, P.O. – Katihar, do hereby solemnly verify that the statements made in paragraph nos. 41, 42, 43, 44, are true to my knowledge, those made in paragraph nos. 45, 46, are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 31st day of May, 2005 at Guwahati.

Sabita Sahu Dutta

ANNEXURE - A

Office of the
DM(P)/KIR

Date: 27.1.2000

10-
No: E/227/O/Transfer

To,
GM(P)/MLG,
N.F. Railway

Sub: Inter-Divisional transfer
application of

Miss Sabita Sahu, Staff Nurse/KIR
for Central Hospital/MLG.

III) Miss Sabita Sahu, Staff Nurse/KIR applied for her transfer
from Kailash to Central Hospital/MLG. Her particulars are
given below:-

1. Name : Miss Sabita Sahu
2. Designation : Staff Nurse
3. Working under : Matron/IC/KIR
4. Scale of pay : 5000-8000/-
5. Date of birth : 3.4.76
6. Date of appointment : 20.9.99
7. Community : UR
8. Whether any DAR/VIO/SPE case pending against her : At present no such case is pending against her, as per records available
9. Transfer sought for : Central Hospital/MLG

In case their transfer is considered, they will be
apart on joining of relief.

For DM(P)/KIR

Handwritten signatures and initials:
A. S. / J. S. / A. S. / A. S.

- 11 -

CC/Mirchaibari, Sahayak P.S./O.C./Katihar Town PS.

Sub- Misbehaviour/mishandling of on duty staff and ransacking of ICU of Railway hospital /Katihar.

It is reported by Dr. Abhay Singh, Sr. DMO/Katihar on night duty doctor and other on duty hospital staff that at about 22.15 hr on 11.8.2002, Some persons came to Casualty who forcibly entered the ICU breaking the door and it abused the on duty staff of the hospital with filthy languages. The said persons also assaulted the on duty Para Sisters & other on duty staff including one RPF staff. They created commotion disturbing the serious patients of the hospital wards admitted in the hospital. One of the miscreants disclosed his identity as Mr. Rajesh employed under Medical Superintendent/H.F.Railway/How Jalpaiguri. Information about this incident has already been given by the RPF department of H.F.Rly/Katihar. Reports submitted by Dr. Abhay Singh, Sr. DMO/Katihar and other on duty staff are enclosed herewith.

This is for your information and necessary action please.
Enclosure- Two Reports as mentioned above.

(Signature)
Chief Medical Superintendent/
H.F.Railway/Katihar.

RECEIVED
10.8.2002
Chief Medical Superintendent
H.F. Rly/KATIHAR

(Signature)
J. L. [unclear]
[unclear]

-12-

ANNEXURE - 2

To
The Addl. General Manager
NF Railway,
Maligaon.
Guwahati -11.

Sub: Prayer for transfer of my wife to Central Hospital, Maligaon from Katihar Railway Hospital.

Sir,

With due respect & humble submission I would like to draw your kind attention to the following facts.

That sir, my wife Mrs. Sabita Sahu working as a Nursing Sister in Katihar Railway Hospital. She joined as staff Nurse on 20.9.1999. As she is staying alone there, we are passing our life full of tension & anxieties. Due to that only She has appealed for her transfer from Katihar to Maligaon and her application was forwarded to Maligaon on 27.1.2000.

After waiting for long time when her transfer from Katihar to Maligaon was being delayed, we have requested Smt. Mamata Banerjee, the then hon'ble MR for assisting us for getting her transfer out from Katihar to Maligaon out-of-turn basis on humanitarian ground. She has requested the position vide letter No. E(REP)II-2001/NF(6)/39 dated 22.02.2001. After one year later i.e. in the year 2002 Hon'ble Minister of State for Railways has again sent one remainder vide No. E(REP)II-2001/NF(6)/39 for consideration of her case. But at this time also the case was not considered.

Your kind attention is drawn in the fact that her transfer application is No.1 in the priority register under **married ground** and 3rd under **General ground**.

I am requesting for your kind intervention in the matter as because few months back there was an incident of abusing, threatening & breaking in Katihar Railway Hospital while my wife was on night duty in the ICU. After lodging F.I.R. through Sr. DMO & CMS the said culprits had started threatening her of dire consequences (Copy of the F.I.R. & other relevant documents attached). After the incidence, her life has become immeasurable. She cannot go outside the hospital campus even in the day time also for which she became sick and was under sick leave for few months. After resuming duty she was again threatened through some colleagues that she might be attacked during the time of HOLI. And she took leave for those days. She has again requested for transfer citing the above conditions and her application was forwarded by CMS/KIR to HQ for consideration of her case.

Amrit
JL
Amrit

- 13 -

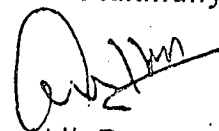
22

On the other hand when turn came for interdivisional transfer, my wife was deprived again although she was in the no.1 name for Marriage ground and instead one Smt. Nabanita Gogoi was transferred from TSK to MD/CH/Maligaon although she was in No.2 seniority in the marriage ground.

Therefore, I fervently request your honour to kindly look in to the facts mentioned above sympathetically and intervene in the matter so that my wife is transferred to MD/CH/Maligaon.

Thanking you in anticipation.

Yours faithfully,



(Ajit Dutta)

H/O Mrs. Sabita Sahu
Nursing Sister
Railway Hospital, KIR

19th march - 2004

Attested
by
Date

19/3/04

No, -14- ANNEXURE-D Dated - 26/3/04.

The Chief Medical Superintendent-
N.F. Railway Hospital, Katihar.

Sub:- information about untoward situation.

Sir, With due respect I would like to inform you that on 21/3/04 night hours at about 12 midnight the incident happened in Male Medical Ward by the patient and his attendants who had come for injection Tetanus Toxoid, on that day I was on night duty in that ward. By our colleagues and the statement which was spread by the Sanitary cleaner on duty is that the miscreants have a plan to kidnaping me.

Sir, these types of problems I am facing again and again after that 11th August '03 incident and for which I am informing you several times. It is very difficult for me to continue my service in this situation.

This is for your information.

Yours faithfully,

Sabita Sahu.

NS / med / AIR

Attn
J.L. / H.C.

12
26/3/04
The Chief Medical Superintendent
N.F. Railway Hospital
Katihar

Ed. to Dated (Hw)
for further action
CA
To inform
Dated (Hw)
Ch Hospital
15
Concurrence
29/5/04
Srivastava
27/5
Pl. take
immediate
action
URGENT
24
29/5/04
ANNEXURE - E

Office of the
Chief Medical Director
Guwahati - 11.
Maligaon, Dated: 22.4.04.

No. HE/58/PE V

To
CMS/KIR

Re: Prayer for transfer of Smt. Sabita Sahu,
Nursing Sister, Railway Hospital/KIR
to Central Hospital/Maligaon.

Ref: Application dt. 19.3.04 submitted by Shri Ajoy Dutta,
Husband of Smt. Sabita Sahu, addressed to
AGM/N.F. Railway.

An application dt. 19.3.04 submitted by Shri Ajoy Dutta,
husband of Smt. Sabita Sahu has been considered by the Administration. At
present there is no post vacant at Central hospital/Maligaon, where Smt.
Sahu can be accommodated. However, taking into consideration the safety
& security aspect, she can be transferred immediately to APDJ Divl. hospital
and later on when the post falls vacant at Maligaon, her case will be
considered for transfer to Central Hospital/Maligaon.

This is to be informed accordingly.

(Dr. Kalyan Ghosh)
Chief Medical Director

To
The Chief Medical Director,
NF Railway
Maligaon.

16
ANNEXURE-F.
ns

Sub: Prayer for transfer of my wife to Central Hospital, Maligaon from KIR.

Ref: (1) My earlier representation dated 19.03.04 addressed to Hon'ble AGM/MLG.
(2) CMD Office/Maligaon's letter no. HE/58/Pt. VI dated 22.04.04.

Respected Sir,

With due respect & humble submission I would like to draw your kind consideration to the above mentioned references. Wherein I have mentioned the facts.

Vide your letter No. letter no. HE/58/Pt. VI dated 22.04.04. you have assured me that when vacancy will fall in Central Hospital my case will be considered. I have come to know that one post is likely to be vacant by March'05.

I would also like to mention you that vide your above mentioned letter my wife had applied for temporary transfer to APDJ division for security reason but no reply was received from the administration. However, with lot of fear and mental anxiety she had waited for another year hoping that her case will be considered as and when vacancy falls in Central Hospital/Maligaon.

It is again re-iterated that my wife's transfer application is in the 1st position in the married ground in the priority register.

I hope you can understand how immeasurable life we are spending after three years of married life where wife is in Katihar and husband is in Guwahati.

In view of the above, I fervently request you kindly consider my wife's transfer case sympathetically as and when vacancy falls in the Central Hospital/Maligaon.

Thanking you,

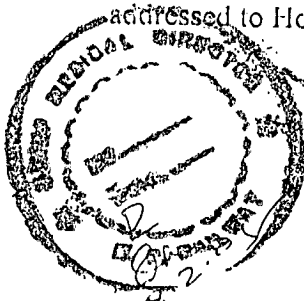
Date: 08-02-05

Yours sincerely

(AJIT DUTTA)

Husband of
SABITA (SAHU) DUTTA
Nursing Sister/CMS KIR

Copy to AGM/NF Railway. This is in reference to My earlier representation dated 19.03.04 addressed to Hon'ble AGM/MLG. He is requested to kindly look into the matter.



(AJIT DUTTA)

Attested
J. L. Datta