

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

O.A/350/654/2018

Date of Order : 18.5.2018

Present : Hon'ble Ms. Manjula Das, Judicial Member

ARCHANA GANGULY
D/o Sri Amit Ganguly,
Working as Nursing Sister under
Medical Director B.R.Singh Hospital,
Sealdah, Kolkata – 700014,
R/o 19 Haltu School Road,
Kolkata – 700078.

...APPLICANT

VERSUS

1. Union of India service through
General Manager,
Eastern Railway,
17, N.S Road,
Kolkata – 700001.
2. The Chief Personnel Officer,
Eastern Railway,
17, N.S Road,
Kolkata – 700001.
3. The Chief Medical Director,
Eastern Railway,
17, N.S Road,
Kolkata – 700001.
4. The Senior Divisional Personnel Officer,
Sealdah Division,
Eastern Railway,
Sealdah,
Kolkata – 700014.
5. The Medical Director,
B.R Singh Hospital,
Eastern Railway,
Sealdah,
Kolkata – 700014.
6. The Divisional Personnel Officer,
Sealdah Division,
Eastern Railway,
Sealdah
Kolkata – 700014.

...RESPONDENTS

For the Applicant : Mr. K. Sarkar, Counsel
Ms. A. Sarkar, Counsel

For the Respondents : None

O R D E R(Oral)

Per Ms. Manjula Das, Judicial Member:

By making this O.A the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- i) To direct the respondents to extend the benefit of the Order dated 6.12.2017 of Ministry of Health & Family Welfare, Nursing Section, Govt. of India and order of the Hon'ble High Court of Delhi dated 4.11.2016 and Memo dated 06.12.2017 delivered in WP(C) No. 8058/2015 dated 4.11.2016 as contained in Annexure "A-3" herein
- ii) To direct the respondents to deal with and/or dispose of the representation of the applicant in this respect dated 21.3.2018 as contained in Annexure "A-4" herein;
- iii) To direct the respondents to produce the entire records of the case before this Hon'ble Tribunal for proper adjudication of the issues involved herein;
- iv) And to pass such further order or orders as to this Hon'ble Tribunal may deem fit and proper.

2. Mr. K. Sarkar, 1d. Counsel assisted by Ms. A. Sarkar, 1d. Counsel appeared on behalf of the applicant. None appeared for the respondent authorities.

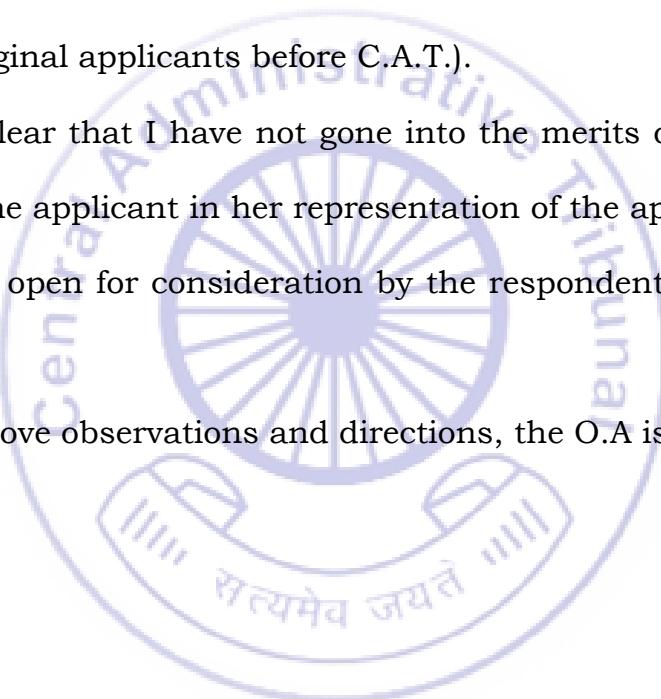
3. It is submitted by the 1d. counsel for the applicant that the applicant has filed representation to the respondent authorities praying for minimum pay of nursing personnel in accordance with Rule 7 (1) (A) (i) & (ii) of 6th CPC in pursuance of the order of the Hon'ble High Court of Delhi dated 4.11.2016 passed in WP(C) No. 8058/2015, but the respondent authorities have not yet considered her prayer till date. Hence the applicant has approached this Tribunal praying for appropriate relief.

4. Ld. counsel for the applicant has fervently prayed that the applicant will be satisfied for the present if the competent respondent authority is directed to consider her case in view of the judgment of the Hon'ble High Court of Delhi dated 4.11.2016 passed in WP(C) No. 8058/2015 which is a similar case.

5. Considering the facts and circumstances of this case, the respondent authorities are hereby directed to verify the case of the applicant as to whether she is similarly situated with the respondents in WP(C) No. 8058/2015 (original applicants before the C.A.T) which was disposed of by Hon'ble Delhi High Court on 4.11.2016. After such verification, if the applicant is found similarly situated with the respondents of W.P.(C) No.8058/2015, then she may be granted the similar benefits as given to the respondents of W.P.(C) No.8058/2015(original applicants before C.A.T.).

6. It is made clear that I have not gone into the merits of the case, and all points raised by the applicant in her representation of the applicant and also in this O.A, are kept open for consideration by the respondent authorities as per rules.

7. With the above observations and directions, the O.A is disposed of.



(MANJULA DAS)
JUDICIAL MEMBER

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