



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH, KOLKATA

... APPLICANT

O. A. No.350/0 1241 of 2017

PALI SAHA, wife of Shri Anup Kumar

Saha, aged about 45 years, working as

Nursing Sister In Charge, ^{Road No. 11} Operation

Theatre, Tapan Sinha Hospital, Metro

Railway, Kolkata, residing at ^{Road No. 11} 274/27,

M.G. Road, Kolkata-700104.

...APPLICANT

VERSUS

1. UNION OF INDIA, through the
General Manager, Metro Railway,
Kolkata, 27, J.L. Nehru Road, Metro
Bhavan, Kolkata-700033.

2. THE CHIEF PERSONNEL
OFFICER, Metro Railway, Kolkata, 27,
J.L. Nehru Road, Metro Bhavan,
Kolkata-700033.

3. THE CHIEF MEDICAL
SUPERINTENDENT, Tapan Sinha
Hospital, Metro Railway, Kolkata,
Kolkata-700040.

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4. Dr. MIHIR CHOWDHURY, ^{PERSONNEL} Chief

Medical Superintendent, Tapan Sinha
Hospital, Metro Railway, Kolkata,
28/55, M.M. Sen Road, Chanditala,
Kolkata-700040.

5. SMT. SANGHAMITRA BANERJEE,

Nursing Sister, South Eastern Railway,
now posted as Staff Nurse under Chief
Medical Superintendent, Metro Railway,
Kolkata, 28/55, M.M. Sen Road,
Chanditala, Kolkata-700040.

6. THE CHIEF ^{PERSONNEL}

OFFICER, South Eastern Railway,
Garden Reach, Kolkata-700043.

... RESPONDENTS

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**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

I. Counsel

Appearing

No. OA 350/1241/2017

Date of order : 31.8.2017

Present: Hon'ble Mr.A.K.Patnaik, Judicial Member

**For the applicant : Mr.S.K.Dutta, counsel
Mr.B.Chatterjee, counsel**

For the respondents : Mr.B.L.Gangopadhyay, counsel

O R D E R

Mr.A.K.Patnaik, J.M.

Heard Mr.S.K.Dutta, Id. Counsel along with Mr.B.Chatterjee, Id. Counsel appearing for the applicant and Mr. B.L.Gangopadhyay, Id. Counsel appearing for the respondents.

2. This OA has been filed by the applicant under Section 19 of the A.T. Act, 1985 seeking the following relief :

- a) An order quashing and/or setting aside the impugned order dated 23.8.2017 and the applicant also prays for an order directing the official respondents as well as the respondent No.4 to allow the applicant to continue in Tapan Sinha Hospital, Metro Railway, Kolkata as OT In Charge instead of taking the charge of OT from the applicant by way of handover to the respondent No.5;
- b) An order holding that the posting of respondent No. 5 on own request to Tapan Sinha Hospital, Metro Railway, Kolkata is bad in law, arbitrary and unsustainable;
- c) An order directing the official respondents to produce/cause production of all records relating to the subject matter of the case;
- d) Any other order or orders as this Tribunal may deem fit and proper.

3. As per the Id. Counsel for the applicant the sum and substance of the OA is that the applicant is a permanent Group 'C' employee of Metro Railway, Kolkata. In December 2015 the applicant asked for supporting staff for Operation Theatre as the existing supporting staff were withdrawn. The applicant also represented against posting of untrained persons in the Operation Theatre and shortage of man power in the Operation Theatre. As a result thereof the respondent No.5 is sought to be posted by ousting the

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applicant from her post she is holding as Nursing Sister (OT In Charge) by issuing an order dated 23.8.2017 which is yet to take effect. As such the applicant has rushed to this Tribunal in the instant OA.

4. On being questioned Mr.Dutta fairly submitted that on receiving the order dated 23.8.2017, apprehending further coercive action on the part of the respondent authorities which will put the applicant in disadvantageous position, she has rushed to this Tribunal by filing the instant OA. However, Mr.Dutta fairly submitted that the applicant will have no grievance if she is allowed to file a comprehensive representation pinpointing her grievances addressed to respondents No. 1 & 2 within a period of 2 weeks from today and the respondents No. 1 & 2 are directed to consider the representation to be preferred by the applicant and pass appropriate orders within a specific time frame. Mr.Dutta also prayed that the applicant should be given some protection for the time being.

Mr.Gangopadhyay, Id. Counsel for the respondent authorities vehemently opposed the grant of protection by stating that the official respondents have not done anything illegal.

5. With the aid and assistance of Mr.Dutta I am satisfied that the applicant has some genuine grievance. But as the applicant has not yet ventilated her grievance before the respondent authorities, she is granted liberty to make a comprehensive representation annexing all the relevant documents before the respondents No. 1 & 2 within a period of 2 weeks from today and if within 2 weeks such a representation is preferred, respondents No. 1 & 2 are directed to consider the same keeping in mind all points raised in the representation as well as the rules and regulations governing the field and communicate the result thereof to the applicant within 6 weeks from the date of receipt of such representation.

6. Till such representation is made and disposed of, no coercive action shall be taken by the respondents in respect of the order dated 23.8.2017.

7. With the aforesaid observation and direction the OA is disposed of at the admission stage itself. No costs.

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8. As prayed for by Mr.Dutta, a copy of this order along with the paper book of this OA be transmitted to respondent No. 1 & 2 by Speed Post for which he will deposit the cost with the Registry within a period of one week. A free copy of this order be handed over to Mr.B.L.Gangopadhyay, ld. Counsel for the respondents.

(A.K.PATNAIK)
MEMBER (J)

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