CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A/350/366/2018 Date of Order: 23.04.2018

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

Rose Rahil Kujur, daughter of Late Raymond Kujur, aged about 43 years, working for gain as Chief Matron under Medical Director, B.R Singh Hospital, Sealdah, Eastern Railway, residing at Indira Apartment, 2'A, 1st Floor, P.O & P.S Dum Dum, P.K Guha Road, Dum Dum Cantt., Dist – 24- Pgs.(N), Pin – 700028.

------ Applicant

-Versus-

1. Union of India through the 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 Rly., Sealdah, Kolkata – 700014.
5. The Divisional Railway Manager, Sealdah Division, Eastern Railway, Sealdah Kolkata – 700014.
6. The Medical Director, B.R Singh Hospital, Eastern Rly., Sealdah, Kolkata – 700014.

-----Respondents

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

For the Respondents : Mr. S. Banerjee, Counsel

O R D E R(Oral)

Per : Ms. Manjula Das, Judicial Member:

By this O.A. the applicant has prayed for the following relief:

i) To direct the respondents to extend the benefit of the judgement and order of the Hon'ble High Court of Delhi dated 04.11.2016 delivered in WP(C) No. 8058/2015 & Memo. Dated 06.12.2017 for implementation of such order by the Ministry of Health & Family Welfare, Govt. of India to the applicant being a similarly circumstanced nursing personnel under Eastern Railway/Ministry of Railways/Govt. of India; as contained in Annexures "A-4" & "A-3" herein respectively.

ii) To direct the respondents to dealt with and/or dispose of the

representation of the applicant dtd. 13.02.2018 as contained in Annexure "A-5" herein;

iii) To direct the respondents to produce the entire records of the case before this Hon'ble Tribunal for effective adjudication of the issues involved herein;

iv) And to pass such further or other order or orders and/or direction or directions as to this Hon'ble Tribunal may deem fit and proper.

2. Heard Ld. counsel Mr. K. Sarkar, leading Ms. A. Sarkar, for the applicant. Ld. counsel Mr. S. Banerjee enters appearance by filing a memo of appearance. Perused the pleadings and materials placed before me.

3. It is submitted by the ld. 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 04.11.2016 passed in WP(C) No. 8058/2015, but the respondent authorities have not yet considered her prayer till date, therefore, 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 04.11.2016 passed in WP(C) No. 8058/2015 which is a similar case.

Ld. counsel for the respondents has no objection to such prayer.

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 04.11.2016. 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)
Member (J)

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