

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 350/1678 /2018

In the Matter of :

An application u/s 19 of the  
A.T. Act, 1985;

-And-

In the Matter of :

- 1) Sumana Sarkar, daughter of  
Mihir Konmaka, aged about 30  
years, working for gain as Senior  
Nursing Superintendent, B.R. Singh Hos-  
pital, Sealdah, Eastern Rly.,  
residing at No.105A, North  
Station Road, P.O. Agarpara,  
P.S. Khardah, Kolkata-700 199.
- 2) Sunita Bansiar, daughter of  
Mr. Michael Bansiar, aged about  
40 years, working for gain as  
chief Nursing Superintendent, B.R. Singh Hospi-  
tal, Sealdah, Eastern Rly.,  
residing at Bixia Birsa Nagar,  
Zone No. 3, Near Hari Mandir, P.O.  
+ P.S. Birsha Nagar, Via-Jamshed-  
pur(East), Pin-831 004.
- 3) Shaswati Dutta, daughter of  
Abhimanyu Pramanick, aged about  
45 yrs., working for gain as Senior  
Nursing Superintendent, B.R. Singh Hospi-  
tal, Sealdah, Eastern Railway.

residing at Archya Apartment,

64, Baroda Avenue, Garia,

Kolkata-700 084.

4) Seema Kujur, daughter of Sushil Kujur, was aged about 42 years, working for gain as <sup>chief</sup> Nursing Superintendent B.R. Singh Hospital, Sealdah, Eastern Rly. residing at Singho Enclave Phase-I, Flat No.104, 1st floor, 19, Baroda Kanha Road, Sing South Dum Dum(N), Kol-700 030.

5) Mitali Rani Khanra, daughter of Sri Hari Pada Jana, aged about 44 yrs., working <sup>Senior</sup> for gain as <sup>Senior</sup> Nursing Superintendent, B.R. Singh Hospital, Sealdah, Eastern Railway, residing at NP-386, Nayapatty, Electronic Complex, Salt Lake, Sector-V, Kolkata-700 102.

6) Erina Josephine Lakra, daughter of Mr. Thomas Lakra, aged about 43 yrs., working <sup>Senior</sup> for gain as <sup>Senior</sup> Nursing Superintendent, B.R. Singh Hospital, Sealdah, Eastern Railway, residing at Rly. Qr.No.109/D. B.R. Singh

Al

Hospital Compound, Eastern  
 Railway, Sealdah, P.O.  
 Entally, P.S. Narkeldanga,  
 Dist. Kolkata-700 014.

7) Meumita Malakar, daughter  
 of Late Jibon Malakar, aged  
 about 40 yrs., working for  
 gain as <sup>Senior</sup> Nursing Superintendent,  
 B.R. Singh Hospital, Sealdah,  
 Eastern Railway, residing at  
 31, Elai Chanditala, Udaipur  
 2nd Lane, P.O. Nimta, P.S.  
 Belghoria, Kolkata-700 049.

8) Rose Rahil Kujur, daughter  
 of Late Raymond Kujur, aged  
 about 43 yrs., working for  
 gain as <sup>Superintendent</sup> Chief Nursing under the  
 Medical Director, B.R. Singh  
 Hospital, Sealdah, Eastern  
 Riy., residing at Indira  
 Apartment, 2 'A', 1st floor,  
 P.O. + P.S. Dum Dum, P.K. Guha  
 Read, Dum Dum Cantt., Dist.  
 24-Pgs. (N), Pin- 700

9) Sumana Nath, daughter of  
 Nirmalya Chandra Debnath,  
 aged about 40 yrs., working  
 for gain as <sup>Senior</sup> Nursing Superintendent

B.R.Singh Hospital, Sealdah,

Eastern Rly., residing at

13/1/K, Agartala Garden

Road, Behala, Kolkata-

700 034.

10) Sasthi Chowdhury,

daughter of Late Kanai Lal

Chowdhury, aged about 39

yrs., working for gain as

Sr.Nursing Superintendent,

B.R.Singh Hospital, Sealdah,

Eastern Railway, residing at

Brahama Kumari's Rajyoga

Bhawan, 81/1 Block 'C',

Bangur Avenue, Kolkata-

700 055.

#### .. APPLICANTS

##### -Versus-

1) Union of India through

the General Manager,

Eastern Railway, 17, N.S.

Road, Kolkata-700 001.

2) The Principal Chief

Personnel Officer, Eastern

Railway, 17, N.S.Road,

Kolkata-700 001.

3) The Chief Medical Director

Eastern Railway, 17, N.S.

Road, Kolkata-700 001.

5.

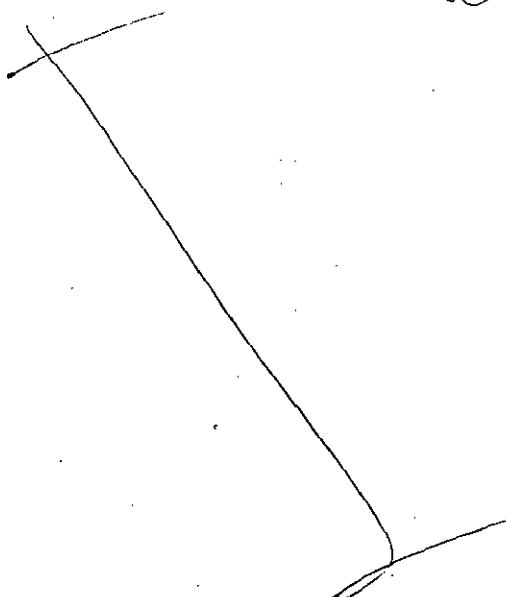
4) The Divisional Railway  
Manager, Sealdah Division,  
Eastern Railway, Sealdah,  
Kolkata-700014.

5) The Senior Divisional  
Personnel Officer, Sealdah  
Division, Eastern Railway,  
Sealdah, Kolkata-700 014.

6) The Medical Director,  
B.R. Singh Hospital, Sealdah,  
Sealdah Division, Eastern  
Railway, Kolkata-700 014.

.. RESPONDENTS

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CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/1678/2018  
MA/350/833/2018

Date of Order: 20.11.2018

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

***Sumana Sarkar &ors –Vs- Eastern Railway***

For the Applicant(s): Mr. K. Sarkar, Counsel

For the Respondent(s): Ms. S. Daschandra, Counsel

**ORDER (ORAL)**

A.K Patnaik, Member (J):

Heard Ld. Counsel for both the parties in extenso.

2. M.A.No. 833/2018 filed for joint prosecution of this case is allowed and disposed of.

3. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

“ i) to direct the respondents to induct the applicants into statutory pension scheme under Railway (Pension) Rules, 1993 and State Railway P.F Rules notionally treating them to have been appointed as Staff Nurse from the date when 21 Staff Nurses were allowed to join under the Eastern Railway in their different Medical Units within 31.12.2003 in terms of the panel dated 14.07.2003 as contained in Annexure “A-1” herein for the limited purpose of grant of pension under CCS (Pension) Rules, 1972;

ii) to direct the respondents to stop all recoveries from the pay and allowances of the applicants towards New Pension Scheme and refund the entire amounts so far recovered from the applicants with immediate effect.

iii) to direct the respondents to declare that the applicants are deemed to have been appointed as Staff Nurse notionally and they are regulated by CCS (Pension) Rules, 1972/Railway (Pension) Rules, 1993 and State Railway P.F Rules;

*V.A.L*

- iv) to direct the respondents to deal with and/or dispose of the representation of the applicants as contained in Annexure "A-6" herein in their correct perspective;
- v) 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.
- vi) And to pass such further or other order or orders as to this Hon'ble Tribunal may deem fit and proper."

4. Mr. K.Sarkar, Ld. Counsel for the applicant submitted that this application is directed against the purported non-induction of the applicants into statutory pension scheme under Railway (Pension) Rules, 1993 and State Railway P.F Rules instead of New Pension Scheme w.e.f 01.01.2004 treating them to have been appointed as Staff Nurse from the date when 21 Staff Nurses out of 35 were allowed to join under Eastern Railway in their different Medical Units within 31.12.2003 in terms of the panel dated 14.07.2003 for the limited purpose of grant of pension under CCS (Pension) Rules, 1972 and non-consideration of representation of the applicants duly taking into consideration of the Press Information dated 19.07.2018. Ld. Counsel for the applicant by drawing my attention to the representation made by the applicant to Chief Personnel Officer (Respondent No.2) submitted that it was duly forwarded by Medical Director's Office under Annexure-A/4 by a covering letter dated 20.09.2005 but after that no reply has been received. Subsequently, the applicant waited for a long period and has made another representation under Annexure-A/6 on 23.07.2018 before Respondent Nos. 4, 5 and 6 but that has also been pending till date. Ld. Counsel for the applicant submitted that the grievance of the applicants may hopefully be redressed if Respondent Nos. 4, 5 and 6 are directed to consider their representation keeping in mind the earlier recommendation made under Annexure-A/4, which is still unanswered, within a specific time frame.

*[Signature]*

5. Having heard Ld. Counsel for the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent Nos. 4, 5 and 6 to reconsider the entire issue keeping in mind the recommendation made and the points raised in the representation of the applicants under Annexure-A/6, if the same has been filed and is pending before him for consideration, and pass a reasoned and speaking order as per rules and regulations in force within a period of six weeks from the date of receipt of copy of this order. Although, I have not expressed any opinion on the merit of the matter still then I hope and trust if after such consideration the applicant's case is found to be genuine then necessary steps be taken within a further period of six months to grant the benefit of pension scheme to the applicants. I also make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within two weeks.

6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent Nos. 4, 5 and 6 by Speed Post, for which, he undertakes to deposit the cost with the Registry within a week.

8. Copies of this order be handed over to the Ld. Counsel for the parties.

(A.K.Patnaik)  
Member(J)

RK/PS