

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.163/2019

Dated Friday, the 15th day of February, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

Dr.Bishnu Prasad Nanda,
S/o Late Basant Kumar Nanda,
Chief Medical Superintendent,
Madras Division, Southern Railway,
Chennai 600 008

...Applicant

By Advocate M/s Giridhar & Sai

Vs.

1.Railway Board, Rep., by its Secretary,
Rail Bhavan, New Delhi 110 001,
Representing Union of India.

2.Southern Railway,
Rep., by its General Manager,
O/o the General Manager,
Southern Railway, Chennai 600 003.

3.Dr.V.Nirmala Devi MD,
Railway Hospital, Perambur,
Chennai 600 023.

...Respondents

By Advocate Mr.P.Srinivasan

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"To call for records relating to Order No.HPB(O) 139/2019 dated 11.02.2019 issued by the 2nd respondent and quash the same and direct the 1st and 2nd respondents to promote the applicant to the post of Principal Chief Medical Director (CHOD)/MAS in Southern Railway forthwith, with all consequential benefits, including arrears of pay and allowances in the said post;

(ii)To award costs, and pass such further and other orders as may be deemed fit and proper and thus render justice."

2. In pursuance of the submission made on 13.02.2019, learned standing counsel for respondents produces a copy of two letters, one dated 21.01.2019 and the other dated 07.02.2019. The latter is submitted in a sealed envelope whereas the first one is produced after a query by the Bench. The first is a DO letter dated 21.01.2019 by the second respondent to the Chairman, Railway Board seeking to retain Dr.Prasannakumar and posting of the applicant elsewhere. A reason has been stated therein which we are not inclined to go into as it is a matter of internal correspondence. By the second DO letter dated 07.02.2019, the Chairman, Railway Board has been informed that Dr.Prasannakumar had been relieved and a decision is sought on the proposal made in the first letter to post the applicant elsewhere. It would appear that it is now entirely for the Railway Board to take a decision in the matter.

3. As the grievance of the applicant is also genuine in as much as the Annexure A-1 posting dated 01.01.2019 approved for him by the competent authority had not been given effect to and a person allegedly 66 places junior to him has been assigned additional charge of the post, we are of the view that this OA could be disposed of with a direction to the first respondent to take a decision on the DO letters cited above within a period of one week and convey the same to the second respondent.

4. As the applicant is alleging malafide against the second respondent and has submitted Annexure A-2 & A-3 representations dated 25.01.2019 & 07.02.2019 to the first respondent, if the applicant wishes to add supporting material to his representation to the first respondent, he is allowed to do so immediately not later than today. We leave it to the first respondent to decide if the applicant should be heard before taking a final decision in the matter.

4. OA is disposed of with the above directions.

(P.MADHAVAN)
MEMBER(J)

(R.RAMANUJAM)
MEMBER (A)

15.02.2019

M.T.