



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A. 350/00402/ 2019

Order dated: 05.08.2019

**Coram : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member**

Dr. Dipkana Das,
Wife of Dr. Subhasish Saha,
565/1, S.K. Deb Road, Srikrishnavatika,
Flat No. 4A, Lake Town,
Kolkata – 700 048;

..... Applicant.

Versus

1. Union of India,
Service through the General Manager,
Eastern Railway,
Fairli Place, 17, N.S. Road,
Kolkata – 700 001.
2. The Chief Personnel Officer,
Eastern Railway Headquarters,
17, N.S. Road, Fairliy Place,
Kolkata – 700 001.
3. The Sr. Divisional Personnel Officer,
Eastern Railway Headquarters,
17, N.S. Road, Fairliy Place,
Kolkata – 700 001.
4. The Medical Director,
B.R. Singh Hospital and Centre for
Medical Education & Research,
Eastern Railway, Sealdah,
Kolkata – 700 014.
5. The Principal Chief Medical Director,
Eastern Railway,
17, N.S. Road, Fairliy Place,
Kolkata – 700 001.
6. The Chief Health Director,
Eastern Railway,
17, N.S. Road, Fairliy Place,
Kolkata – 700 001.

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7. The Member Secretary,
Railway Board,
Rail Bhawan, Raisina Road,
New Delhi 110 001.

8. The Joint Director of Health,
Railway Board,
Ministry of Railway,
Govt of India,
Rail Bhawan, Raisina Road,
New Delhi – 110 001.

..... Respondents.

For the applicant : Ms. P.Dey, Counsel

For the respondents : Mr. S.Banerjee, Counsel

O.R.D.E.R (ORAL)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached the Tribunal in the instant O.A. praying for remuneration for the period of her Maternity Leave from 12.02.2018 to 11.08.2018.

2. Heard both Ld. Counsel, examined documents on record. The O.A. is taken up at the admission stage for disposal.

3. The facts, in brief, are that the applicant was engaged as a Sr. Resident for a period of one year in the B.R.Singh Hospital and Centre for Medical Education & Research, Eastern Railways, renewable for another two years on satisfactory performance. The appointment was purely contractual in nature as per the terms and conditions of the said engagement letter. Para (b) of the said appointment letter of the applicant dated 18.07.2016 at Annexure-A to the O.A. reads as follows:

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No. HE.17/DNB Training/ Sr. Resident. Dated : 18th July, 2016.

Sub : Appointment of Sr. Resident in the Department of Pathology, B. R. Singh Hospital E. Rly., Sealdah.

Ref: CMD/ER/KKK's Lt. No. MD. 121/Sr. Resident/SDAH
dated 13.07.2016.

(b) Leave entitlement : One day weekly off, by rotation. Entitled to total 20 days in one contract year which can be availed & not more than 10 days in six months period. Not entitled to any vacation or any type of leave.

If you accept the above terms & conditions, please signify your acceptance and report to the Head of the Department, B. R. Singh-Hospital, E. Rly., Sealdah within 10 days from receipt of this letter.

xxx
-Sd-
Medical Director
B.R.Singh Hospital/Sealdah".

The applicant reported to the said post. She proceeded on Maternity Leave from 12.02.2018, after praying for sanction of the same on 31.01.2018. The said application was forwarded by Respondent No.4, i.e. Medical Director, B.R.Singh Hospital and Centre for Medical Education & Research, Eastern Railway, Sealdah, to Respondent No.3, who is Sr. Divisional Personnel Officer, Eastern Railway Headquarters, on 22.03.2018, and, not having received her remuneration for the

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said period and also formal sanction of Maternity Leave, the applicant, thereafter, represented on 11.08.2018 to Respondent No.4, and, as articulated through her Ld. Counsel, would pray for a direction on the concerned Respondent No.4 to dispose of the said representation within a specified time frame.

4. Ld. Counsel for the Respondents does not object to consideration of such representations in accordance with law.

5. Hence, without entering into merits of the matter, and, with the consent of the parties, we hereby direct Respondent No.4, namely, the Medical Director, B.R.Singh Hospital and Centre for Medical Education & Research, Eastern Railway, Sealdah, to examine the contents of the applicant's representation dated 11.08.2018 (annexed at Annexure-G to the O.A.), if received at his end, and thereafter, submit his findings to Respondents No.3, who is the Sr. Divisional Personnel Officer, Eastern Railway Headquarters, for final orders in this regard. The said Respondent No.3 will decide in accordance with law and, will convey his decision in the form of a reasoned and speaking order to the applicant forthwith thereafter. The entire exercise may be completed within 8 weeks of receipt of a copy of this order and subject to receipt of applicant's representation dated 11.08.2018 as noted above.

6. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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