

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/00621/2019

Date of order: 17.6.2019

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

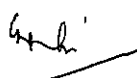
Soudamini Barik,
Daughter of Paramananda Barik,
Wife of Suchitra Nayak,
Aged about 41 years,
Working as Senior Nursing Superintendent,
Office of the ADMO/Berhampore,
East Coast Railway,
Health Unit Berhampore,
Pin - 760005 and
Residing at Basudevonagar,
2nd Lane, Lochhapara,
Berhampore,
P.O. - Lochhapara,
P.S. - Namokhandi,
Pin - 760001.

Applicant

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1. Union of India,
Service through the General Manager,
Eastern Railway,
17, N.S. Road,
Kolkata - 700 001.
2. The General Manager,
East Coast Railway,
Rail Sadan,
Chandra Sekharpur,
Bhubaneswar - 751 017.
3. The Senior Divisional Personnel Officer,
East Coast Railway,
Khurda Road,
Pin -
4. The Chief Medical Superintendent,
East Coast Railway Hospital,
Khurda Road,
Pin -

.. Respondents



For the Applicant : Ms. A. Sarkar, Counsel

For the Respondents : Mr. T.K. Chatterjee, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunal's Act, 1985 praying for the following relief:-

- "(a) To direct the respondents to induct the applicant 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 31 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 14.7.2003 as contained in Annexure "A1" herein for the limited purpose of grant of pension under CCS (Pension) Rules, 1972;
- (b) To issue necessary direction to grant benefit of the judgment of Delhi High Court in Inspector Rajendra Singh vs. U.O.I. & ors. forthwith;
- (c) To direct the respondents to stop all recoveries from the pay and allowances of the applicant towards New Pension Scheme and refund the entire amounts so far recovered from the applicant with immediate effect;
- (d) To direct the respondents to declare that the applicant was deemed to have been appointed as Staff Nurse notionally and she is regulated by CCS (Pension) Rules, 1972/Railway (Pension) Rules, 1993 and State Railway P.F. Rules;
- (e) To direct the respondents to deal with and/or dispose of the representation of the applicant as contained in Annexure "A3" herein in her correct perspective;
- (f) 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;
- (g) And to pass such further order or orders as the Hon'ble Tribunal deem fit and proper."

2. Heard Ld. Counsel for both sides, examined documents on record.

The matter is taken up at the admission stage.

3. The applicant's submission, as articulated by her Ld. Counsel, is that, applicant had applied for the post of Staff Nurse in response to Employment Notice No. 2/2002 of the respondent authorities, and, after successful completion of the said selection, the name of the applicant figured at Srl. No. 31 in the list of 35 candidates recommended for appointment vide reference dated 31.7.2003 of the respondent

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authorities. That, on 15.12.2003, the applicant went through her medical test subsequent to her offer of appointment dated 25.11.2003. Her appointment orders, however, were issued only on 09.02.2004 because of which the applicant could not avail of the facilities of the Old Pension Scheme. The applicant had approached the respondent authorities with a representation dated 30.3.2019 praying for benefits accorded by the Hon'ble High Court at Delhi in **Writ Petition (Civil) No. 2810/2016 (Inspector Rajendra Singh & ors. v. Union of India & ors.)** but, as such representation remains pending at the level of the respondent authorities, Ld. Counsel for the applicant would seek a direction on the respondent authorities to dispose of her representation in a time bound manner.

4. Ld. Counsel for the respondents does not object to consideration of the representation in accordance with law.

5. Accordingly, without entering into the merits of the matter and with the consent of the parties, we direct respondent No. 1, who is the General Manager, Eastern Railway, Kolkata, to dispose of such representation, if received at his end, within a period of 12 weeks from the date of receipt of a copy of this order. The concerned respondent authority shall decide in accordance with law and convey his decision in the form of a reasoned and speaking order to the applicant forthwith thereafter.

6. With these directions, the O.A. is disposed of. Parties to bear their own costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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