

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

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OA. 350/554/2019

Date of order: 06.08.2019

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

Smt. Babita Kumari, wife of Sri Ashok Kumar, aged about 44 years, working as Sr. Nursing Superintendent under the office of CMS, Asansol, Eastern Railway, Pin- 713301 and residing at Amardeep Housing Estate Apartment, 1st Floor, Block 'A', Flat No. 2D, Bathe Road Budha, Asansol, Pin- 713301.

.....Applicant.

-versus-

1. Union of India service through the General Manager, Eastern Railway, 17, N.S. Road, Kolkata- 700001.
2. The Sr. D. P. O, Eastern Railway, Asansol Division, Pin- 713301.
3. The Workshop Personnel Officer, Eastern Railway, Kanchrapara, Dist- 24 PGS(N), Pin- 743145.
4. The Chief Medical Superintendent, Eastern Railway Hospital, Asansol Division, Pin- 713301.
5. The Chief Medical Superintendent, Eastern Railway, Kanchrapara, Pin- 743145.

.....Respondents.

For the Applicant : Ms. A. Sarkar, Counsel

For the Respondents : Ms. T. Das, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard both.

2. This OA has been filed to seek the following reliefs:

"8(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 14.07.2003 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 judgement 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 are 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 "A4" and "A5" herein in their 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."

3. Since the applicant had preferred a representation on 14.03.2019 seeking the same benefits as in this OA and which is yet to be disposed of and no fruitful purpose would be served by calling a reply in this matter, unless the representation is decided by the respondent authorities, we dispose of the OA with a direction upon the concerned respondent no. 6 or any other competent authority to decide the claim of the applicant and pass an appropriate order in accordance with law, within a period of 3 months from the date of receipt of copy of this order.

4. It is made clear that we have not gone into the merits of this matter and therefore, all points are kept open for consideration by the respondents authority.

5. OA is accordingly disposed of. No costs.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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