

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



OA. 350/555/2019

Date of order: 06.08.2019

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

Smt. Kuntala Mondal (Das), daughter of Badal Das, wife of Bipen Mondal, aged about 39 years, working as Senior Nursing Superintendent in the office of CMS Office, Eastern Railway, Liluah, Pin- 711204, residing at 7 M.N. Chatterjee Street, 3rd Floor, 3B, P.O. Belurmah, P.S. Belur, Howrah- 711202.

.....Applicant.

-versus-

1. Union of India service through the General Manager, Eastern Railway, 17, N.S. Road, Kolkata- 700001.
2. The Works Personnel Officer, C&W Workshop, Eastern Railway, Liluah, Howrah- 711204.
3. The Chief Medical Superintendent, Eastern Railway, Liluah, Howrah- 711204.

.....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 has preferred a representation on 14.03.2019 seeking the same benefits which is yet to be disposed of and since no fruitful purpose would be served by asking for a reply in this matter unless the representation is decided by the respondent authorities, we propose to dispose of the OA at the admission stage itself.

4. Accordingly, we direct the concerned respondent no. 6 or any other competent authority to consider the grievance of the applicant as highlighted in his representation dated 14.03.2019 and decide the same in according with law issuing an appropriate reasoned and speaking order, within a period of 3 months from the date of receipt of copy of this order.

5. 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.

6. OA is accordingly disposed of. No costs.


(Dr. Nandita Chatterjee)
Member (A)


(Bidisha Banerjee)
Member (J)

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