

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Civil Writ Jurisdiction Case No.18758 of 2016

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1. Meeta Mukherjee, wife of Sri B.N. Bose, resident of Railway Quarter No. 601/AB, East Colony, Jublee Road, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Chief Matron at Eastern Railway Main Hospital, Jamalpur.
  2. Shaly Varghese, wife of Sri Aloke Kumar Bose, resident of Mahamaya Kutir, Munger Road, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Chief Matron at Eastern Railway Main Hospital, Jamalpur.
  3. Sushila Tripathi, wife of Sri A.K. Tripathi, resident of Railway Quarter No.9/456, East Colony, Golf Road, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Chief Matron at Eastern Railway Main Hospital, Jamalpur.
  4. Usha Kumari-I, wife of Sri Shailendra Kumar resident of Railway Quarter No.440/CD, Eastern Railway, Main Hospital Compound, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Matron at Eastern Railway Main Hospital, Jamalpur.
  5. Edan Guria, wife of Sri Raj Kumar Paswan, resident of Railway Quarter No. 147/AB, East Colony, Eastern Railway Main Hospital Compound, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Chief Matron at Eastern Railway Main Hospital, Jamalpur.
  6. Asha Kumari-II, wife of Sri Mahesh Prasad, resident of Railway Quarter No. 448/CD, East Colony, Eastern Railway Main Hospital Compound, Jublee Road, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Chief Matron at Eastern Railway Main Hospital, Jamalpur.
  7. Asha Kumari-I, wife of Sri Aman Rahi, resident of Railway Quarter No. 141/CD, Eastern Railway Main Hospital Compound, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Chief Matron at Eastern Railway Main Hospital, Jamalpur.
  8. Esther Murmu, wife of Sri Samuel Hembrom, resident of Railway Quarter No. 148/CD, Eastern Railway Main Hospital Compound, Jublee Road, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Chief Matron at Eastern Railway Main Hospital, Jamalpur.
  9. Kumari Renu Bala, wife of Sri Dharamveer Kumar, resident of Railway Quarter No.602/CD, Jublee Road, Jamalpur, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Chief Matron at Eastern Railway Main Hospital, Jamalpur.



10. Prabha Kumari, wife of Sri Braj Bhushan Singh, resident of Railway Quarter No. 448/AB, Jublee Road, Jamalpur, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Chief Matron at Eastern Railway Main Hospital, Jamalpur.
11. Rita Kumari, wife of Sri Rama Grain, resident of Railway Quarter No. 638/AB, Jublee Road, Jamalpur, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Nursing Sister at Eastern Railway Main Hospital, Jamalpur.
12. Aparajeeta Mall, wife of Sri Manas Kumar Chakraborty, resident of Quarter No. 782/B, Eastern Railway Main Hospital Compound, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Chief Matron at Eastern Railway Main Hospital, Jamalpur.
13. Punita Kumari, wife of Sri Ajay Kumar, resident of Railway Quarter No. 441/AB, Eastern Railway Main Hospital Compound, East Colony, Jamalpur, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Nursing Sister at Eastern Railway Main Hospital, Jamalpur.
14. Bandana Kumari, wife of Sri Rabindra Kumar, resident of Railway Quarter No. 782/D, Eastern Railway Main Hospital Compound, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Chief Matron at Eastern Railway Main Hospital, Jamalpur.
15. Usha Kumari-II, wife of Sri Kapil Deo Paswan, resident of Railway Quarter No. 1/CD, East Colony, Jublee Road, Jamalpur, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Chief Matron at Eastern Railway Main Hospital, Jamalpur.
16. Kanchan Kumari, wife of Sri Diwakar Prasad Mandal, resident of Village & Post- Itawa, P.S.- Dharahara, District- Munger, presently posted as Chief Matron at Eastern Railway Main Hospital, Jamalpur.

.... .... Petitioner/s

Versus

1. The Union of India through the Secretary, Railway Board, Railway Bhawan, Barakhambha Road, New Delhi.
2. The Director, Pay Commission-II, Railway Board, Railway Bhawan, Barakhambha Road, New Delhi.
3. The Section Officer, Pay Commission-IV, Railway Board, Railway Bhawan, Barakhambha Road, New Delhi.
4. The General Manager, Eastern Railway, Fairly Place, Kolkata.
5. The Chief Personnel Officer, Eastern Railway, Fairly Place, Kolkata.



6. The Deputy Chief Personnel Officer (N.G), Eastern Railway, Fairly Place, Kolkata.
7. The Chief Works Manager, Eastern Railway Workshop, Jamalpur.
8. The Workshop Personnel Officer, Eastern Railway Workshop, Jamalpur.
9. The Assistant Personnel Officer, Eastern Railway Workshop, Jamalpur.
10. The Chief Medical Superintendent, Eastern Railway, Jamalpur.
11. The Assistant Chief Medical Superintendent, Eastern Railway, Jamalpur.
12. The Chief Matron Incharge, Eastern Railway, Main Hospital, Jamalpur.
13. Basanti Kumari Wife of Umesh Prasad Singh resident of railway Quarter No. 146/ABC East Colony, Eastern railway main Hospital compound P.O. and P.S. Jamalpur Distt. Munger, Presently posted as Chief Metron ,Eastern Railway, Main Hospital, Jamalpur.
14. Kumari Gita Sinha wife of Sri Pramod Kumar Sinha R/o Railway Quarter No. 782/A , Eastern Railway main Hospital compound, P.O. and P.S. Jamalpur, Distt- Munger, Presently posted as Chief Metron Eastern Railway main Hospital, Jamalpur.
15. Renu Kumari Wife of Sri Nakul Prasad Singh R/o Railway Quarter No.623/DFE Golf Road Jamalpur , P.O. and P.S. Jamalpur, Distt. Munger, Presently Posted as Nursing Sister , Eastern Railway Main Hospital Jamalpur.
16. Ranju Kumari W/o Sri Samir Agrawal R/o Railway Quarter No. 45/CD, East Colony, Club Road Jamalpur P.O. and P.S. Jamalpur, Distt- Munger, Presently Posted as Nursing Sister Eastern Railway, Main Hospital, Jamalpur.

.... .... Respondent/s  
with

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**Civil Writ Jurisdiction Case No. 19232 of 2016**

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1. Manjusha Sinha, Wife of Sri Gupteshwar Prasad, resident of Railway Quarter No. 144/AB, Eastern Railway, Main Hospital Compound, East Colony, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Nursing Sister at Eastern Railway Main Hospital, Jamalpur.
2. Lalita Kumari, Wife of Sri Bijay Prakash, resident of Mohalla- Naya Gaon, near Durga Asthan, Jamalpur, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Nursing Sister at Eastern Railway Main Hospital, Jamalpur.
3. Archana Kumari, Wife of Sri Sukhdeo Prasad, resident of Railway Quarter No.



728/B, Golf Road, East Colony, Jamalpur, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Nursing Sister at Eastern Railway Main Hospital, Jamalpur.

4. Bibha Kumari, Wife of Sri Ravindra Kumar Roy, resident of Railway Quarter No. 144/EF, Eastern Railway, Main Hospital Compound, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Nursing Sister at Eastern Railway Main Hospital, Jamalpur.
5. Sunita Kumari, Wife of Sri Niraj Kumar Jha, resident of Railway Quarter No. 145/DEF, Eastern Railway Main Hospital Compound, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Nursing Sister at Eastern Railway Main Hospital, Jamalpur.
6. Manju Srivastava, Wife of Sri Umakant Srivastava, resident of Railway Quarter No. 602/AB, East Colony, Jublee Road, Jamalpur, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Nursing Sister at Eastern Railway Main Hospital, Jamalpur.
7. Anita Kumari, Wife of Sri Lalan Kumar, resident of New Saidpura, Moti Chowk, Khagaul, near Kali Asthan, P.O. & P.S.- Khagaul, District- Patna, presently posted as Nursing Sister, Eastern Central Main Hospital, Karbigahiya, Patna.
8. Anju Kumari, Wife of Sri Raghvendra Sharma, resident of Railway Quarter No. 651/AB, Eastern Railway Main Hospital Compound, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Nursing Sister at Eastern Railway Main Hospital, Jamalpur.

.... .... Petitioner/s

Versus

1. The Union of India through the Secretary, Railway Board, Railway Bhawan, Barakhambha Road, New Delhi.
2. The Director, Pay Commission-II, Railway Board, Railway Bhawan, Barakhambha Road, New Delhi.
3. The Section Officer, Pay Commission-IV, Railway Board, Railway Bhawan, Barakhambha Road, New Delhi.
4. The General Manager, Eastern Railway, Fairly Place, Kolkata.
5. The Chief Personnel Officer, Eastern Railway, Fairly Place, Kolkata.
6. The Deputy Chief Personnel Officer (N.G.), Eastern Railway, Fairly Place, Kolkata.



7. The Chief Works Manager, Eastern Railway Workshop, Jamalpur.
8. The Workshop Personnel Officer, Eastern Railway Workshop, Jamalpur.
9. The Assistant Personnel Officer, Eastern Railway Workshop, Jamalpur.
10. The Chief Medical Superintendent, Eastern Railway, Jamalpur.
11. The Assistant Chief Medical Superintendent, Eastern Railway, Jamalpur.
12. The Chief Matron Incharge, Eastern Railway, Main Hospital, Jamalpur.
13. Basanti Kumari, wife of Sri Umesh Prasad Singh resident of Railway Quarter No.146/ABC, East Colony, Eastern Railway Main Hospital Compound, P.O. & P.S. Jamalpur, District- Munger, presently posted as Chief Matron, Eastern Railway, Main Hospital, Jamalpur.
14. Kumari Gita Sinha, wife of Sri Pramod Kumar Sinha, resident of Railway Quarter No. 782/A, Eastern Railway Main Hospital Compound, P.O. & P.S.- Jamalpur, District- Munger, presently posted as Chief Matron, Eastern Railway, Main Hospital, Jamalpur.
15. Renu Kumari, wife of Sri Nakul Prasad Singh, resident of Railway Quarter No.623/DFF, Golf Road, Jamalpur, P.O. & P.S. Jamalpur, District- Munger, presently posted as Nursing Sister, Eastern Railway, Main Hospital, Jamalpur.
16. Ranju Kumari, wife of Sri Samir Agrawal, resident of Railway Quarter No.45/CD, East Colony, Club Road, Jamalpur, P.O. & P.S. Jamalpur, District- Munger, presently posted as Nursing Sister, Eastern Railway, Main Hospital, Jamalpur.

.... .... Respondent/s

**Appearance :**

(In CWJC No.18758 of 2016)

For the Petitioner/s : Mr. Prashant Sinha, Adv.

For the Respondent/s : Mr. Anil Kumar Sinha, Adv.  
Mrs. Nisha Kumari, Adv.

(In CWJC No.19232 of 2016)

For the Petitioner/s : Mr. Prashant Sinha, Adv.

For the Respondent/s : Mr. Anil Kumar Sinha, Adv.  
Mrs. Nisha Kumari, Adv.

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**  
**and**  
**HONOURABLE JUSTICE SMT. NILU AGRAWAL**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)**

**Date: 06-02-2018**



Two writ applications came to be filed because there were two sets of employees before the Central Administrative Tribunal, one staff nurses and the other nursing sisters. The issue was the kind of pay scale for which they were entitled to in terms of 6<sup>th</sup> Pay Revision Recommendation. O.A. application was disposed off vide order dated 09.09.2016 where stepping up of the pay was allowed at par with a newly appointed employee after 01.01.2006.

A detailed argument has been made on behalf of the counsel for the petitioners from which it emerges that while rendering assistance to the Tribunal all the notifications issued by the railways from time to time was not brought before the Tribunal, therefore, only on the pleadings and assistance, the conclusion has been reached by the Tribunal.

This Court is not willing to take into consideration new and additional materials even if they are official notifications for the reason that we are sitting in the writ jurisdiction to exercise power of judicial review of decision of the Tribunal and not strictly in appeal.

It will be unfair, therefore, to declare the order of the Tribunal to be bad in law on materials and the pleadings which the Tribunal was deprived of during the course of adjudication.

In view of the above, the maximum which this Court is willing to do, is to remand the matter back to the Tribunal for a fresh



consideration and if that be so the order dated 09.09.2016 passed in O.A. No. 261 of 2013 has to go and the same would be required to be reconsidered.

Both the writ applications stand disposed off with above direction upon the Tribunal that they will give a fresh opportunity to the petitioners to bring all the circulars and the notifications which have significance to the prayer made and after hearing the parties the decision will be rendered. The Court would expect that an early adjudication would be made.

**(Ajay Kumar Tripathi, J)**

**(Nilu Agrawal, J)**

Devendra/Arjun

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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