

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA No. 126/2022

HYDERABAD, this the 30th day of August, 2022



Hon'ble Mr. Ashish Kalia, Judl. Member

B. Vidya Raj, W/o. B.Sai Raj,
Age: 54 years, Occ: Pharmacist, Gr.C.,
Nuclear Fuel Complex.
R/o. Sanjeevani NFC,
ECIL, Rachakonda District,
Telangana.

... Applicant.

(By Advocate: Mrs. P Hema Lalitha Kumari)

Vs.

1. The Union of India,
Rep. by its Secretary,
Department of Atomic Energy,
Anushakti Bhavan,
CSM Marg, Mumbai- 400 001.
2. The Deputy Chief Executive,
Administration & Accounts,
Nuclear Fuel Complex, ECIL,
Rachakonda, Telangana- 500 062.
3. The Chairman and Chief Executive,
Nuclear Fuel Complex, ECIL Post Office,
Hyderabad- 500 062.
4. Chief Medical Superintendent,
Nuclear Fuel Complex, Medical Services,
CHC & CHSS.

... Respondents.

(By Advocate: Mr. B Gayatri Varma, Sr.CGSC)

ORAL ORDER
(As per Hon'ble Mr. Ashish Kalia, Judl. Member)

Through Video Conferencing:

This Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:



“That this Hon'ble Tribunal may be pleased to direct the respondents to set aside the decision letter of the respondent dt. 20.10.2021 and direct the respondents to post the applicant as Store In-Charge at the main Pharmacy Store as the applicant herein has the right to hold the said post in the capacity of senior most Pharmacist at Nuclear Fuel Complex, Hyderabad as on date and not doing so as bad, illegal, arbitrary, violation of rules prevailing in the respondent organisation to that extent and also being violative of Article 14, 16 & 21 of the Constitution of India and pass order or orders as deem fit and proper in the circumstances of the case.”

2. I) The brief facts of the case are that the applicant was recruited as Pharmacist(A) through Employment Exchange and joined the service on 17.06.1991 at Nuclear Fuel Complex(NFC), Hyderabad. It is submitted that the applicant is currently working as Pharmacist-E and, is the senior-most Pharmacist, after retirement of one Mrs. Leela Kumari on 30.07.2021. The applicant stated that it has been a precedent in NFC, Hyderabad that the senior-most Pharmacist will be posted as Store In-charge. As such, Mrs. Leela Kumari was also posted as Store In-charge, after her predecessor was retired. It is submitted that the said post has to be given to the applicant, however, no such action was taken in this regard. The applicant has submitted representation on 10.08.2021, through proper channel, which was pending at that time. Aggrieved over the inaction of the respondents, the applicant has approached this

Tribunal by filing OA/575/2021 and, this Tribunal, vide Order dt. 07.09.2021 disposed of the OA directing the respondents to consider and dispose of the applicant's representation dt. 10.08.2021. Thereafter, the respondents have complied with the orders of this Tribunal by disposing the applicant's representation and rejected it.



II) The applicant submitted that the respondents have mentioned certain unnecessary and irrelevant aspects, such as APAR grading etc. and have wilfully suppressed the contentions raised by her. It is further submitted that in her recent legal notice dt. 10.11.2021, she raised a list of issues in a more detailed and elaborated manner, which is not attended to by the respondents. She further stated that the respondents have posted her at 'Medicine Distribution Counter', which has an unhygienic environment, and she is the first person to be posted there which shows the inhuman treatment shown upon her. She submitted representations dt. 09.10.2021 and 18.01.2022 requesting change of work place as her present work place is in between bathrooms and causing her several health issues but her representations were not considered. Aggrieved over the same, the applicant has approached this Tribunal seeking direction to the respondents to post her as Store In-Charge at the main Pharmacy store, as she is the senior-most Pharmacist at NFC, Hyderabad.

3. I) Notices were issued. The respondents have filed a detailed reply. It is submitted that the applicant is currently working as Pharmacist-E. With regard to posting of the applicant, being the senior most Pharmacist, as Store In-charge in Pharmacy Unit at



Colony Health Centre(CHC), the respondents have submitted that there is no such post of 'Senior Pharmacist' or 'Store In-charge' exists in Pharmacy Unit of NFC. With regard to the contention of the applicant that her predecessor Ms. Leela Kumari was posted as Store-in-charge, it is not correct and, in fact, she was holding the post of Pharmacist-F at the time of retirement. The applicant's representation dt. 10.08.2021 was disposed vide Letter dt. 20.10.2021 stating that there is no such post of "Senior Pharmacist or "Store-in-charge" in Pharmacy Unit of NFC.

II) The applicant, vide her letter dt. 26.05.2021, requested for change of work place from South Gate Pharmacy citing that the said place of work is not congenial & air borne diseases are posing problems to her health. In this regard, the then Sr. Chief Medical Superintendent, vide Letter dt. 05.06.2021, stated that the said work place has been equipped with necessary office furniture and equipments with regular cleaning of the premises. It is further informed that, an attached washroom is available which is exclusively to be used by the Pharmacist and is being maintained by outsourced agency. The applicant was informed the same vide Letter dt. 17.06.2021 that her request could not be considered as there is no Pharmacy outlet at Occupational Health Centre other than the South Gate Pharmacy and, with regard to her health, she was advised to have regular follow up with concerned specialists.

III) It is submitted that, a team of 7 Senior Officers, including Women Officers, visited the South Gate Pharmacy on 20.10.2021 and observed that the applicant was not available at the



time of visit and door was opened by the outsourced employee; The room was equipped with attached washroom, telephone, computed with chairs, table and also AC facility; An iron cot is being used for keeping and segregation of medicines before distribution to CHSS beneficiaries; No foul smell was observed in an around the room and the way to washroom is from inside the room only which can be used by the Pharmacist; Window provision was found to the room for distribution of medicines; Sufficient open place is available before the room to collect the medicines in queue by the CHSS beneficiaries. The respondents state that when the applicant raised some issues about the working conditions, the management has immediately responded and ensured that all necessary office infrastructures are available at her disposal.

IV) The respondents submitted that the deputation of individual employees in different locations and work spots is the prerogative of the management, keeping in view the overall requirement of the organization. The applicant is liable to work at any place of work, not only in NFC Hyderabad but anywhere throughout the country, as mentioned at Point(c) of her Offer of Appointment dt. 31.05.1991. The respondents prayed for dismissal of the OA.

4. Heard the counsel for the parties at length and perused the pleadings on record.

5. The short issue raised in the present original application is whether the applicant can be posted as Store In-charge in Pharmacy Unit at Colony Health Centre or not. The applicant's counsel has



tried to persuade this Tribunal by saying that the applicant, being the senior-most Pharmacist, could have been considered for the post of Store In-charge and, the applicant has made repeated representations, which are of no use. On the contrary, the respondents' counsel has drawn the attention of this Tribunal by saying that there is no such post of 'Store In-charge' exists in NFC and asked for a strict proof of the same. To this, the applicant's counsel has failed to provide the proof that there is a post of 'Store In-charge' exists. On the other hand, it is submitted that Ms. Leela Kumari, has retired as Pharmacist-F whereas the applicant is working as Pharmacist-E. There is no question arises for consideration of the applicant to the post of 'Store In-charge' as the said post doesn't exists. Further, seven Senior Officers have visited the South Gate Pharmacy, where the applicant is currently working, on 20.10.2021 and observed that all the facilities were provided to the said Pharmacy to make working environment more congenial, but the applicant is still not satisfied and claiming for a post which doesn't exists at all. In view of the facts and circumstances of the case and taking all the factors into consideration, this Tribunal is of the view that the grievance of the applicant has no merit and the same is liable to be rejected. Accordingly, the OA is dismissed. There shall be no order as to costs.

(ASHISH KALIA)
JUDICIAL MEMBER

/Ram/