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BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL CALCUTTA BENCH

O. A. No. 350/1340 of 2017

An application under Section 19 of the
Central Administrative Tribunal Act,
1985.

TITLE OF THE CASE

In the matter of:

1. Manoj Kumar Das son of Manindra Chandra Das, by occupation-Casual Worker, presently residing at 11/13/1 Megnad Saha Sarani, 6th Lane, P.O: Rishra, Morepukur, District: Hooghly, Kolkata- 712250;
2. Biswajit Das, son of Shri Saroj Kumar Das, by occupation-Casual Worker, P/P17, Sarsuna Main Road, Kolkata- 700061.
3. Ratan Kumar Barua, son of Atal Behari Barua, by occupation-Casual Worker, residing at Village: Basukati, P.O- Anand Nagar, P.S: Bally, Howrah: 711227.
4. Swapan Kumar Paul. Son of Sukdeb Paul, by occupation-Casual Worker,

residing at 122/8, Beliaghata Main Road, P.S: Beliaghata, Kolkata- 700010.

5. Swapan Kumar Sikari, Son of Gorachand Sikari, by occupation- Casual Worker, residing at 1/9/1 Bijoygarh, Jadavpur, Kolkata- 700034.

6. Rakhi Ghosh wife of Akhil Chandra Ghosh, by occupation- Casual Worker, residing at Bibirber, Koiri Bagan, P.O: Mullickpara, P.S: Sreerampur, Dist: Hooghly, PIN- 712203;

7. Asim Rajak son of Bijay Rajak, by occupation- Casual Worker, 21, Gola Mahal, Sadar Bazaar, P.O and P.S: Barrackpur, 24 Pgs. (North). PIN- 743120.

8. Paresh Routh son of Kanailal Routh, by occupation- Casual Worker, residing at Beliaghata Main Road, Kolkata- 700 085;

All are working at Customs House, 15/1, Strand Road, Kolkata- 70001.

APPLICANTS

1. Union of India service through the Ministry of Finance, Department of Revenue, North Block, New Delhi-100001.
2. Department of Personnel and Training, North Block, New Delhi-100001.
3. The Chairman, Central Board of Excise and Customs, North Block, New Delhi- 100001.
4. The Commissioner of Customs (Airport & Administration), Customs House, 15/1, Strand Road, Kolkata-700001.
5. The Superintendent of Customs (Preventive), Customs House, 15/1, Strand Road, Kolkata- 700001.
6. The Assistant Commissioner of Customs (P & E), Customs House, 15/1, Strand Road, Kolkata- 700001.

..Respondents

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/1340/2017

Date of Order: 25.02.2020



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

Manoj Kumar Das & Ors. Applicants

Vrs.

Union of India & Ors Respondents

For The Applicant(s): Mr. T.Bhanja, Mr. J.Banerjee & Mr. S.Guha Biswas, Counsel

For The Respondent(s): Mr. A. Roy, Counsel

ORDER (ORAL)

Ms. Bidisha Banerjee, Member (J):

Heard Ld. Counsels for both the parties.

2. The applicant has preferred this O.A. to seek the following reliefs:

- "a. An order and/or direction for setting aside the order/communication dated 29.05.2017 issued by the Assistant Commissioner of Customs (P&E);
- b. An order and/or direction to the respondent authorities to hear the matter afresh after providing an opportunity of hearing to the applicants;
- c. Leave may be granted to file this applicant jointly under Rule 4(5)(a) of the CAT (Procedure) Rule 1987 having common cause of action.
- d. Such other order or orders

3. Today at hearing, it transpired that a similar issue has been decided by the Bangalore Bench of this Tribunal in O.A.No. 170/01259/2015 and Ld. Counsel for the applicant seeks similar order.

4. However, as we note that no representation has been preferred by the applicant to seek benefit of the said order, we dispose of this O.A. granting liberty to the applicants to prefer comprehensive representation before Respondent No.4 to seek the benefit of regularization in the light of the Bangalore Bench decision, within a period of two weeks from the date of receipt of a copy of this order. In the event, such representation is preferred, the competent authority shall consider their grievance in the light of the order of Bangalore Bench and shall issue appropriate reasoned and speaking order within a period of three months from the date of receipt of the representation.

5. In the event it is found that the applicants stand on an identical footing to the applicants in O.A.No. 170/01259/2015 of Bangalore Bench then for parity of reasons the same benefits shall be extended to the applicants herein.

6. We make it clear that we have not entered into the merits of the matter and all the points taken in the representation shall be kept open for consideration.

7. In view of the above, the O.A. is disposed of. There will be no order as to costs.

8. However, the applicants shall be pay individual court fees (postal orders).

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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