

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

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No.O A.350/1679/2019
M.A.350/986/2019

Date of order : 24.01.2020

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

**BIRENDRA PRASAD & OTHERS
VS.
UNION OF INDIA & OTHERS
(M/O COAL)**

For the applicant : Mr. M.P. Dixit, counsel
Mr. A.K. Khan, counsel

For the respondents : Mr. K. Sarkar, counsel



ORDER

Bidisha Banerjee, Judicial Member

This O.A. has been preferred to seek the following reliefs:-

- 8.1) That your Lordships may graciously be pleased to direct/command the Respondents to extend the same and similar benefit with regard to Pay Protection as has been granted by the Hon'ble Apex Court in the case of similarly situated co-employees as contained in Annexure A/1 without any further delay;
- 8.2) That your Lordships may graciously be pleased to command /direct the Respondents to fix the pay of the Applicants by protecting their pay which they were getting before their absorption on 01.03.1983 in the same manner as has been granted by the Hon'ble Apex Court (supra) as contained in Annexure A/1 and pay the arrears alongwith statutory interest including due increments thereupon;
- 8.3) That your Lordships may further be pleased to direct/command the Respondents to grant all consequential benefits including revision their pensionary benefit on account of aforesaid benefit of pay protection in terms of the Order passed by the Hon'ble Apex Court as contained in Annexure A/1;
- 8.4) Any other relief or reliefs including the cost of the proceeding with suitable compensation may be allowed in favour of the Applicant which are

directed to be paid from the erring officials who have not implemented the Order of the Hon'ble Apex Court as contained in Annexure -A/1 in their favour."

2. The M.A.350/986/2019 has been preferred to move the O.A. jointly under Section 4(5)(a) of C.A.T.(Procedure) Rules, 1987.

Having heard both sides, the M.A. is allowed as the applicants are identically aggrieved; upon payment of individual court fees.

3. In the O.A. the applicants have claimed benefit of a decision of the Hon'ble Apex Court in **Civil Appeal No.8606 of 2009[Eastern Coalfields Ltd. & Others vs. Prativa Biswas & Others]** rendered on 11.10.2017 in case of similarly situated employees for which they have already preferred representation on 23.10.2019 to the respondent authorities which has not yet been disposed of. No copy of the representation has been annexed with the O.A.

4. However, without entering into the merits and on consent of both sides the O.A. is disposed of with a direction upon the respondent authorities to dispose of the pending representation, if any received, within a period of 3 months from the date of receipt of a copy of this order.

5. Accordingly the O.A. is disposed of. No order as to costs.

(Dr. Nandita Chatterjee)
Administrative Member
sb

(Bidisha Banerjee)
Judicial Member

