

LIBRARY**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/1380/2019

Date of Order: 02.03.2020

M.A/350/802/2019

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

**BISWANATH PAUL & 38 OTHERS
VS
S. E. RAILWAYS.**

For The Applicant(s): Mr. A. K. Chattopadhyay, counsel

For The Respondent(s): Mr. R. K. Shah, counsel

ORDER (O R A L)Per: Ms. Bidisha Banerjee, Member (J):

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

"Your applicants most humbly pray that, Your Lordship should graciously be pleased and application for joining parties under Rule 4(5)(s) of the Administrative Tribunal Act, 1985.

a) Direction upon the Respondent/Authority concerned to cancel, revoke and/or set aside the impugned order no. SER/P-HQ/HWPR/535/3/M.V Driver/2019, dated 28.02.2019, issued by the Respondent/Authority concerned (as per Annexure A-5 of this application) as early as possible.

b) Direction upon the Respondent/Authority concerned to change/restore their category as continuous instead of E.I (Essentially Intermittent) with effect from 01.03.2011 and also fix standard hours of duty 8 (hours) instead of 10 hours as earlier, forthwith.

c) Direction upon the Respondent/Authority concerned not to give effect and/or further effect of the impugned order dated 28.02.2019 (as per Annexure P-6 of this application) in any manner whatsoever.

d) to pass such other order or orders, direction or directions, as Your Lordships may deem fit and proper."

2. Heard ld. counsel for both sides.

3. M.A 802/19 for joint prosecution is allowed. The applicants are allowed to pursue the remedy jointly, on payment of individual court fees (postal order).

4. At hearing, Ld. counsel for the applicants submitted that the applicants have preferred representation dated 19.03.2019, Annexure A/6 to the O.A, to

the respondent authorities but the same is pending disposal and that he would be fairly satisfied if a direction is issued to the respondent authorities to consider the same in a time bound manner.

5. Since an innocuous prayer is made, we dispose of the OA with a direction upon the competent authority to consider the representation, decide the claim of the applicants and issue a reasoned and speaking order in accordance with law within a period of 3 months from the date of receipt of copy of this order. In the event the applicants are found entitled to the relief as prayed for, an appropriate order in accordance with law be issued within the said period.

6. It is made clear that we have not entered into the merit of this matter and therefore, all points are kept open for consideration.

7. The present OA accordingly stands disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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