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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 837 OF 2013
Cuttack, this the 9th day of December, 2013

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

.....

1. Bijaya Kumar Khuntia, aged about 57 years, Son of late Nisamani Khuntia, Ticket No.0000003, at present working as Senior Technician. (MM), resident of Laxminarayanpur, P.O.- Sideswarpur, Dist-Cuttack.
2. Madhusudan Subudhi, aged about 58 years, Son of late Dhuli Subudhi, Ticket No.0000011, at present working as Technician. (MM)-Grade-I,
3. Suryanarayan Panigrahi, aged about 53 years, Son of late Dinabandhu Panigrahi, Ticket No.0000074, at present working as Technician. (MM))-Grade-I,
4. Babaji Charan Behera, aged about 58 years, Son of Sanatan Behera, Ticket No.0000083, at present working as Technician. (MM))-Grade-I,
5. Sachida Nanda Jena, aged about 57 years, Son of late Hadibandhu Jena, Ticket No.0000002, at present working as Technician. (MM) -Grade-I
6. Kartik Chandra Mallick, aged about 30 years, Son of Sanatan Mallick, Ticket No.0001793, at present working as Technician (Carpenter)- Grade-III,
7. Sk Ajaruddin, aged about 26 years, Son of Salauddin, at present working Technician. (MM) - Grade-III,
8. Rama Krushna Sahu, aged about 57 years, Son of late Madhab Sahu, Ticket No.0000105, at present working as Technician. (MM) - Grade-II,
9. Shankarshan Barik, aged about 57 years, Son of late Maguni Barik, Ticket No.0000107, at present working as Technician. (MM) - Grade-II,
10. Prafulla Chandra Mohapatra, aged about 58 years, Son of late Jaladhar Mohapatra, Ticket No.0000027, at present working as Technician. (MM) - Grade-I,
11. Bhagaban Das, aged about 44 years, Son of late Jagannath Das, Ticket No.0000120, at present working as Technician. (MM) - Grade-II,
12. Bijayananda Sahoo, aged about 56 years, Son of Sisir Kumar Hota, Ticket No.0000082, at present working as Technician. (MM) - Grade-III,
13. Hemanta Kumar Singh, aged about 31 years, Son of Murali Mohan Singh, Ticket No.0001781, at present working as Khalasi Helper,
14. M.L. Narayan, aged about 57 years, Son of late M.H.K. Reddy, Ticket No.0000012, at present working as Technician. (MM) - Grade-I,

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15. Rabindra Nath Mallick, aged about 55 years, Son of late U.N. Mallick, Ticket No.0000013, at present working as Technician. (MM) - Grade-I,
16. Hemanta Kumar Singh, aged about 29 years, Son of late Chandra Mohan Singh, Ticket No.0001901, at present working as Khalasi,
17. Safique Khan, aged about 30 years, Son of late Kala Khan, Ticket No.0001943, at present working as Khalasi Helper, Technician. (MM) - Grade-I,
18. Sudhansu Mohan Kanungo, aged about 55 years, Son of late Madhusudan Kanungo, Ticket No.0000092, at present working as Technician. (MM) - Grade-II,
19. Susanta Kumar Hota, aged about 56 years, Son of Sisir Kumar Hota, Ticket No.0000111, at present working as Technician. (MM) - Grade-II,
20. Sailendra Nath Kar, aged about 56 years, Son of late Harilal Kar, Ticket No.0000056, at present working as Technician. (MM) - Grade-III,
21. Ashok Sahoo, aged about 30 years, Son of Kanhu Charan Sahoo, Ticket No.0001900, at present working as Khalasi,
22. Gouttam Mallick, aged about 31 years, Son of Srustidhar Mallick, Ticket No.0001844, at present working as Technician. (Mechanist) - Grade-III,
23. Jatindra Nath Naik, aged about 54 years, Son of Bhubaneswar Naik, Ticket No.0000059, at present working as Technician. - Grade-II,
24. Rabindra Kumar Mohanty, aged about 56 years, Son of late B.C. Mohanty, Ticket No.0000073, at present working as Technician. (MM) - Grade-I,
25. Sunil Kumar Hansda, aged about 58 years, Son of late Surendranath Hansda, Ticket No.0000028, at present working as Senior Technician.
26. Subash Chandra Mohapatra, aged about 57 years, Son of late Ram Chandra Mohapatra, Ticket No.0000034, at present working as Technician. (MM) - Grade-I,
27. Kailash Kumar Pradhan, aged about 57 years, Son of Udayanath Pradhan, Ticket No.0000054, at present working as Technician. (MM) - Grade-II,
28. Mihira Kumar Sahoo, aged about 33 years, Son of Muralidhar Sahoo, Ticket No.0001572, at present working as Khalasi Helper,
29. Kunal Kumar Singh, aged about 28 years, Son of Subedar Singh, Ticket No.0002059, at present working as Khalasi Helper,

All the applicants at present working under Chief Workshop Manager, Carriage Repair Workshop, E.Co. Rly., Mancheswar, Bhubaneswar, Dist.-Khurda.

.....Applicants
Advocate(s)... M/s. N.R. Routray, T.K. Choudhury,

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Union of India represented through

1. The General Manager,
East Coast Railway, E.Co.R. Sadan,
Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
2. Chief Personnel Officer,
East Coast Railway,
E.Co.R. Sadan,
Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
3. Workshop Personnel Officer,
Carriage Repair Workshop,
E.Co. Rly., Mancheswar,
Bhubaneswar, Dist.-Khurda.
4. Financial Advisor & Chief Accounts Officer/Con.,
East Coast Railway,
Rail Vihar, Chandrasekharpur,
Bhubaneswar, Dist. Khurda.

..... Respondents

Advocate(s).....Mr. T. Rath

ORDER (ORAL)

A.K. PATNAIK, MEMBER (JUDL.)

This Original Application has been filed by 29 Applicants who are working as Technician (MM)/Technician (Mechanist)/Technician (Carpenter) in Gr.I, II and III under the Chief Workshop Manager, Carriage Repair Workshop, E.Co.Rly, Mancheswar, Bhubaneswar praying to direct the Respondents to pay salary for 29th & 31st December, 2012 by declaring the notice dated 08.01.2013 as non-est and to direct the Respondents to provide two extra working days as it is done vide order dated 13.06.2013 to adjust the two wage cut days i.e. 29th & 31st December, 2012. By filing MA No. 842 of 2013 under Rule 4 (5) of the CAT (Procedure) Rules, they have sought permission to prosecute this OA jointly as the grievance of the applicants is based on a common cause of action.

[Signature]

2. Heard Mr.N.R.Routray, Learned Counsel for the Applicants and Mr.T.Rath, Learned Standing Counsel for the Railway-Respondent on OA as also on MA No. 842 of 2013. Mr.Rath, strongly objected to granting permission to prosecute this OA jointly on the ground that the applicants are working in different grades and that their pay and duty are different and distinct.

3. Mr.N.R.Routray, Learned Counsel appearing for the Applicant submitted that though initially there was a notice for deduction of wages of the applicants for the period from 26.12.2012 to 31.12.2012 but later on in letter dated 13.06.2013 it was intimated as under:

“In reference to the above the list of staff who may be willing for extra work on 16.06.2013, 30.06.2013, 14.07.2013 & 18.08.2013 in lieu of wage cut on 24.12.2012, 26.01.2012, 27.12.2012 & 28.12.2012 respectively is enclosed herewith for further necessary action at your end.”

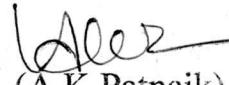
4. In view of the above, Mr.Routray, at the first instance, has tried to justify this Bench that the present OA jointly filed by the Applicants is maintainable on being confronted as to how this OA is maintainable on the basis of a representation submitted by the Applicants jointly and does it permissible under Rules/Law, Mr. N.R.Routray, Learned Counsel for the Applicants prays that this OA be disposed of granting liberty to the Applicants to make representation individually ventilating the grievance to the Chief Workshop Manager, Carriage Repair Workshop, ECoRly, Mancheswar, Bhubaneswar, Dist. Khurda (Respondent No.4) within a period of ten days and in that event Respondent No.4 be directed to consider/dispose of the said representation and communicate the result thereof to the Applicant in a well-reasoned order within a specified period. I

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do not find any prejudice would be caused if this OA is disposed of with the direction as prayed for by the Learned Counsel for the Applicants. Hence without expressing any opinion on the merit of this matter, this OA is disposed of at this admission stage with direction to the Respondent No.4 that in the event such a representation is filed by the Applicants individually within a period of ten days hence then the same may be considered/disposed of and communicate the result thereof to the Applicant(s) in a well-reasoned order within a period of thirty days from the date of receipt of such representation. In case after giving consideration to the representation it is decided that the applicant(s) is/are entitled to the benefit then the same may be paid to him/them within a period of seven days from the date of such order. In view of the above MA No. 842 of 2013 is accordingly disposed of.

There shall be no order as to costs.

5. As prayed for by Mr.N.R.outray, Learned Counsel for the Applicants, copy of this order be sent to Respondent No.4 by speed post, at the cost of the Applicants for which Mr.Routray undertakes to furnish the postal requisite by 11.12.2013.


(A.K. Patnaik)
Member (Judicial)