

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. 621/1996

Date of order: 1.08.2003

Present : Hon'ble Mr. B.P. Singh, Administrative Member.
Hon'ble Mr. N. Prusty, Judicial Member.

Biswanath Ghosh and 21 Ors.

- v e r s u s -

1. Union of India service through the Secretary,
Ministry of Defence, Raksha Mantralaya,
New Delhi.
2. Engineer-in-Chief, MES, Kashmere House, DHQ
New Delhi-110 011.
3. Chief Engineer, Eastern Command, Fort William,
Calcutta-21.
4. Chief Engineer, Siliguri Zone, Siliguri
Dist. Darjeeling.
5. Commander Works Engineer, Bengdubi, P.O.
Bengdubi Dist. Jalpaiguri.
6. Garrison Engineer, Sevok Road, P.O. Sevok Road,
Siliguri, Dist. Darjeeling.

...Respondents.

For the applicants : Mr. N.C. Chakraborty, counsel.
For the respondents : Ms. U. Sanyal, counsel.

O R D E R

B.P. Singh, AM

This application has been filed by the 22 applicants who are working as Pump House Operator (PHO) in the skilled category, subsequently redesignated as Fitter General Mechanic (F.G.M.) for non-grant of benefit of upgradation to facilitate their Career Advancement or promotion. The applicants have prayed for extension of benefit granted in the decision dated 28.12.1992 in O.A. No. 260/1991 as per Annexure-A/5, decision dated 17.6.1994 in O.A. No. 43/1991 and decision dated 15.3.89 of the Hon'ble Supreme Court in the case of Bhagwan Sahai Carpenter and Others Vs. UOI and Another reported in (1989) 2 SCC 299 which are enclosed as Annexures A/5, A/6 and A/7.

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2. The applicants have prayed for the following reliefs:-

"8.

- a) The applicants may be permitted to join together as prayed in para 4(ii) of this application under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules.
- b) to quash the condition to undergo probationary period for promotion to HS Gr.II in the grade of Fitter General Mechanic and antedating the placement and fitment in the previous grade w.e.f. 16.10.81 as has been directed by the Hon'ble Tribunal in a number of cases including the 2 cases cited above.
- c) to direct the respondents to extend the benefit as per the principle enunciated in the judgment in O.A.43/91 upgrading the applicants retrospectively w.e.f. 16.10.1981 and fix their pay in higher grade with all consequential benefits in the related designation.
- d) to restore the inter se seniority of the applicants according to the initial date of seniority."


3. Mr. N.C. Chakraborty, Id. counsel appears for the applicants and Ms. U. Sanyal, Id. counsel appears for the respondents. Reply has also been filed by the respondent authorities. No rejoinder to the reply has been filed. We have heard Id. counsels for both parties. We have gone through the O.A. and reply.

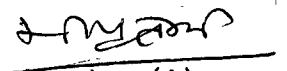
4. During the course of hearing, Id. counsel for the applicants submits that ^{in case} the O.A. is disposed of with a direction to the respondent authorities to consider the representations, a few sample of which are enclosed as A/9 series treating this O.A. as a part thereof keeping in view the decision of this Tribunal dated 28.12.92 in O.A. No. 260/1991, decision dated 17.6.94 in O.A. No.43/1991 and the decision reported in (1998) 2 SCC 299, within a stipulated time, his clients will be satisfied. The Id. counsel for the respondents has no objection to the prayer made by the Id. counsel for the applicants.



5. In view of the above, we do not wish to keep this case pending any longer and dispose it of according to the submission made by the Id. counsel for the applicants.

6. Accordingly we direct all the respondent authorities to consider the representations of all the applicants, a sample of which ¹³are enclosed as Annexure-A/9 series dated 27.11.95 treating this O.A. as a part thereof keeping in view the decisions referred to above within a period of three months from the date of communication of this order by passing a reasoned and speaking order and communicate the order so arrived at within a period of two weeks thereafter. In case the applicants are entitled for the reliefs prayed for, the same should be granted to them from the date the same becomes due within a period of two months from the date of such order. The O.A. is accordingly allowed and no order is passed as to costs.


Member (J)


Member (A)

a.k.c.