

In The Central Administrative Tribunal
Calcutta Bench

DA No. 657 of 1996

Present : Hon'ble Mr. S. Biswas, Administrative Member
Hon'ble Mr. N. Prusty, Judicial Member

Amal Kumar Thakur and 116 others all
Khalasi Helper, E.Rly, under the
Respondent No.2 as named in Annexure
A/1 to this application with detailed
particulars.

....Applicants

- Versus -

- 1) Union of India, through the General Manager, E.Rly., Calcutta.
- 2) The Divisional Rly. Manager, E.Rly., Malda.

....Respondents

For the Applicants : Mrs. B. Mondal, Counsel

For the Respondents: Mr. P. K. Arora, Counsel

Date of Order : 09-07-2002

ORDER

MR. N. PRUSTY, JM

The applicants have filed the present application with the following prayer :

"The applicants pray for a direction upon the respondents to absorb the applicants in Skilled Gr.III which was the condition of their apprenticeship cancelling the order in Annexure-A herein directing them to be absorbed as Khalasi Helper when similarly placed persons and employees of the same category of Apprenticeship had been absorbed as Skilled Gr.III following the ratio of the Judgement in D.S. Nakara's case reported in AIR 1983 SC 130 (a fullbench judgement) and such benefit be extended from the earlier date, when

contd.....

vacancies were there and are there by disclosing the vacancies in Skilled Gr.III from the time the applicants completed their training as such and others were absorbed.

2. The respondents have filed their reply to the O.A. However, during the course of hearing the Ld. Counsel for the applicants submits that if the matter is disposed of with the leave to the applicants for making detailed representation, and the same is considered and disposed of by the authorities in accordance with the law then the purpose of the applicants shall better be served. Mr. Arora, Ld. Counsel for the respondents submitted that he has no objection if the matter is disposed of with such a direction.

3. In view of the above submissions made by Ld. Counsels for both the parties, we are not inclined to say anything on merits of the case.

4. The O.A. is disposed of granting liberty to the applicants to make a detailed representation to the respondent No.2 within a period of one month from to-day and in case such a representation is filed by the applicants within the stipulated period, the respondent No.2 is directed to consider the same in accordance with law and dispose of the said representation by a reasoned/speaking order within a period ^{of} three months thereafter and communicate the same to the applicant No.1. In case the relief claimed by the applicants in their representation is allowed by the authorities/respondent No.2, then we further direct that the same shall be implemented by the authorities within three months thereafter. With the above observations/directions the O.A. is disposed of. However, there shall be no order as to costs.



Member (J)



s. Arora
Member (A)

DKN