

In the Central Administrative Tribunal
Calcutta Bench

OA 854/86

8-3-04

Present : Hon'ble Mr.S. Biswas, Member(A)
Hon'ble Mr.N. Prusty, Member(J)

Suniti Bera

-Vs-

S.E. Rly

For the applicant : Mr.A. Chakraborty, Counsel
For the respondents : Mr.K. Chakraborty, Counsel

ORDER

Mr.N. Prusty, Member(J)

The applicant who is the wife of Late Anil Bera, Ex-Bridge Khalasi under CBRI, Kolaghat, S.E. Rly, has filed this OA for the following reliefs :

- 1) Declaration that the husband of the applicant should be regularised in service from the date of the panel was prepared in view of the office order dated 12-2-96 issued by the Divisional Personnel Officer, S.E. Rly, Kharagpur.
- 2) An order do issue directing the respondents to give the applicant full benefit of qualifying service w.e.f. 4-2-71 for the purpose of extension of pensionary benefits.

2. It is stated by the applicant in this OA that her husband was earlier working as Casual Labour under the respondent authorities and during his life time he was screened and found suitable for absorption in order of seniority. A list of casual labours who were screened and found suitable has been prepared by the Rly Administration on 4-2-71. The name of the applicant's husband was at Sl.No.13. The applicant's husband died on 12-11-91 while working as Bridge Khalasi under the Rly Administration. Later on by letter of Administration dated 12-2-96, similarly placed persons like the husband of the applicant, who were screened and found suitable for regular absorption in 1971, were regularised with effect from the date of their empanelment i.e. 4-2-71. Since the applicant's husband has not been regularised with effect from 4-2-71 and other similarly placed persons were regularised, the

Applicant has filed the present OA.

3. Mr. Chakraborty, the learned counsel for the applicant submits that in another case i.e. OA 805/1996 filed by the wife of Late Shibu Samanta for similar relief, the Tribunal disposed of the said OA with the direction to regularise the services of the applicant's husband therein w.e.f. 4-2-71 and she has been given all consequential benefits of the regularisation of her husband with effect from 4-2-71. Since the applicant is a similarly placed person and the name of the applicant's husband find place in the same select list wherein the name of the husband of applicant in OA No.805/1996 finds place, the applicant is also entitled for the same relief.

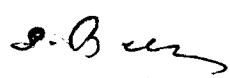
4. Heard Mr. A. Chakraborty, the learned counsel for the applicant and Mr. K. Chakraborty, the learned counsel for the respondents and gone through pleading of both the parties.

5. Considering the submissions made by the learned counsel for both sides, we are of the considered view that the applicant in this OA is a similarly placed person like the applicant in OA No.805 of 1996 and is also entitled for the same benefits as has been extended in favour of the applicant in the above said OA No.805 of 1996.

6. In view of the above we direct the respondent authorities, particularly the respondent No.2 to regularise the service of the applicant's husband with effect from 4-2-71 as has been done in the case of Aparna Samanta and the applicant be given all consequential benefits of such regularisation with effect from 4-2-71, within a period of 2 months from the date of communication of the order.

7. Accordingly, the OA is allowed. No order as to costs.


Member (J)


Member (A)