

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 80 of 96

Present : Hon'ble Mr. Justice S.N. Mukherjee, Vice-Chairman
Hon'ble Mr. S. Dasgupta, Administrative Member

SUDINAY SUR & ORS.

VS

UNION OF INDIA & ORS.

For the applicants : None

For the respondents : Ms. U. Sanyal, counsel
Mr. S. K. Dutta, counsel

8.8

Heard on : 24.3.98

Order on : 24.3.98

O R D E R

S. Dasgupta, A.M.

When the case was called out none responded for the applicants. We have heard the 1st. counsel for the respondents and perused the pleadings on record.

2. This application was filed jointly by 56 applicants seeking a direction to the respondents to consider them as regular employees w.e.f. 1.1.90 and also to grant them pay-scales as are given to the regular employees with attending benefits. The applicants had relied on the decision of the Madras Bench of this Tribunal in OA 305 of 88, Southern Railway Employees Co-operative Stores Workers Union -vs- Union of India & Ors. A copy of the Madras Bench order dated 29.6.90 has been annexed. By that order Madras Bench directed the Respondents Railways to treat the employees of the Railway Employees Co-operative Stores of the Southern Railways as regular Railway Servants and to give them the pay-scales given to the regular employees w.e.f. 1.7.88. The applicants before us are also the employees of the Metal And Steel Factory Co-operative Credit Stores, Railways and they are seeking the benefit which was granted to the applicants in OA 305 of 88.

3. The applicants have stated in their OA that the order of the Madras Bench which they are relying on was affirmed by the Hon'ble Supreme Court. No doubt the SLP against the aforesaid order was dismissed by the Hon'ble Supreme Court but it was brought to our notice by the 1d. counsel for the respondents that a subsequent decision of Hyderabad Bench of the Tribunal relying on the aforesaid decision of the Madras Bench was set aside by the Hon'ble Supreme Court in the case of Union of India -vs- J.V.Subbaiah, 1996(1)SC SLJ 165. We have seen that the decision of the Madras Bench has been specifically referred to the aforesaid judgment of the Hon'ble Supreme Court and has been held as an order not sustainable in law. It is therefore clear that the decision of the Madras Bench is no longer good in law and therefore it is clear that the basis of the claim of the applicants in OA before us is no longer valid. OA accordingly fails and the same is dismissed without any order as to costs.

W
MEMBER (A)

C
VICE CHAIRMAN