

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.O.A.1317 of 1996

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

Hon'ble Mr. B.P. Singh, Administrative Member

PANNALAL KAURI

Vs.

UNION OF INDIA & ORS.

For the applicant : Mr. A. Chakraborty, counsel

For the respondents : Mr. P. Chatterjee, counsel

Heard on : 26.4.99

Order on : 26.4.99

O R D E R

The applicant, Sri Pannalal Kauri has filed this application seeking declaration that he is entitled to get temporary status w.e.f. 1.1.81 and also the consequential benefits including pension and retirement benefits on the basis of the judgment dated 7.1.93 in O.A.No.828 of 1988 in the case of Madhusudan Bag vs. Union of India & ors. and the judgment dated 16.5.94 in O.A.No.496 of 1988 in the matter of Chandi Charan Chakraborty & ors. vs. Union of India and Ors.


2. In this application, the applicant sought for relief stating that he was initially appointed as Casual Gangman on 16.5.68 under PWI/Rail Link to Haldia Port, S.E. Rly., Panskura and he was disengaged from service w.e.f. 30.4.78 and paid retrenchment compensation. Thereafter, he was again appointed as Casual Labour under PWI/CON/S.E. Rly.Cord Line, Panskura and on 15.1.79 was transferred to Santragachi, S.E. Rly./and posted under P.W.I./CON/HOWRAH-AMTA, Santragachi, S.E. Railway.

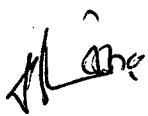
3. According to the applicant, he is entitled to get the benefit of the judgments as stated above, on the same facts and law involved and he made representation to the

authorities on 16.9.96. But that representation has not yet been disposed of by the respondents. Ld. counsel Mr. Chakraborty appearing on behalf of the applicant, submits that the applicant is entitled to get temporary status w.e.f. 1.1.81 and the consequential benefits including pension and retiral benefits as per the judgments relied on by him.

4. We have considered the submissions of the ld. counsel for the applicant. Since the respondents did not file reply to the facts of the case, thereby, we find that it would be appropriate to direct the respondents to consider the case of the applicant in the light of the judgments dated 7.1.93 in O.A. No.828/88 and dated 16.5.94 in O.A.No.496/88. We are of the view that the applicant is entitled to get similar relief in this case, ~~and since the respondents have not filed the reply,~~ thereby, the matter ^{may} be sent to the respondents for consideration of the case of the applicant in the light of the observations made in the aforesaid judgments and to grant relief to the applicant accordingly.

5. In view of the above, the respondents are directed to consider the case of the applicant in light of the aforesaid judgments relied on by the ld. counsel for the applicant and to pass speaking and reasoned order. In this matter, the decision should be taken by the authority within 30 days from the date of receipt of this order. Accordingly, the application is disposed of awarding no costs.


(B.P. SINGH)
MEMBER(A)


(D. PURKAYASTHA)
MEMBER(J)

s.m.