

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 1353 of 1996

Date of Order: 18.2.2004.

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

Hon'ble Mr. Nityananda Prusty, Judicial Member

J. PATRA AND ORS.

VS.

UNION OF INDIA AND ORS.

For the Applicant : Mr. R.K. De, counsel
Mr. D.P. Bhattacharjee, counsel

For the Respondents : Mr. R.M. Roychowdhury, counsel.

O R D E R

MR. NITYANANDA PRUSTY, JM

This joint application filed by 11 applicants of different categories working under the Eastern Railway, Calcutta for the following reliefs:

"8.1) That the Hon'bel Tribunal may be pleased to hear the application jointly under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 since the cause of action and the nature of reliefs prayed for are common.

8.2) That an order be issued directing the authority concerned to put back the date of regularisation of the applicants to 1.4.1973 from 1975 and onwards as they were on roll on 1.4.1973 and completed 03 years continuous service as on 1.4.1973 enabling them to acquire qualifying service of pensionary benefits.

8.3) That an order be issued directing the authority concerned for fixation of pay in the appropriate regular scale of pay with effect from 1.4.1973 and payment of incremental benefits, difference of pay and allowances due, if any, as consequential benefits.



8.4) Any other order and/or orders as the Hon'ble Tribunal deem fit and proper for the ends of justice."

2. Heard Mr. R.K. De, ld. counsel leading Mr. D.P. Bhattacharjee, ld. counsel for the applicant and Mr. R.M. Chowdhury, ld. counsel for the official respondents.


3. When this matter was taken up for hearing, Mr. R.K. De, ld. counsel submits that the benefits which has been claimed by the applicants in this O.A. has already been extended in favour of some other similarly situated persons by virtue of order of this Tribunal dated 17.3.1994 passed in O.A.1278 of 1993. The applicants have also annexed a copy of the office order dated 14.8.95 issued by the S.E. Railway by which similarly placed persons i.e. who were applicants in the O.A. No. 1278 of 1993 got similar benefits in compliance of the order of this Tribunal in the said case. Mr. De. ld. counsel for the applicant submits that for the self same reliefs ~~the~~ applicants have already filed one representation dated 22.01.96 (Annexure-A/6) and the same has not yet been considered and disposed of by the official respondents. However, Mr. De, ld. counsel further submits that in case this O.A. is disposed of directing the official respondents more particularly, respondent no. 02 and 03 to consider the representation of the applicants dated 22.01.1996 (Annexure-A/6), treating this O.A. as a part thereof, keeping in view of the decision of this Tribunal dated 17.3.1994 passed in O.A. No.1278 fo 1993 and also keeping in view of the office order dated 14.8.1995 which was passed in compliance of the direction of this Tribunal dated 17.3.1994 In O.A. No.1278 of 1993 by the S.E. Railway and disposed of the same by passing a reasoned and speaking order within a stipulated time then

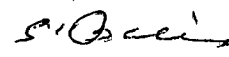


his clients shall be fully satisfied . Mr. R.M. Roychowdhury, ld. counsel for the official respondents has no objection to the above submissions made by ld. counsel for the applicant.

4. Considering the submissions made by ld. counsel for both the parties, the respondent authorities, more particularly, respondent no.02 and 03 are directed to consider the representation of the applicants dated 22.1.1996(Annexure-A/6), treating this O.A. as a part thereof, keeping in view the judgment dated 17.3.94 passed in O.A. 1278 of 1993 and disposed of the same by passing a reasoned and speaking order within a period of 02 months from the date of communication of this order and communicate the same to the applicants within a period of 02 weeks from the date of passing such order . ~~It~~ ^{It} is made clear that we have not observed anything on the merits of the case. However, in case if the order goes in favour of the applicants, then all the consequential benefits including the financial benefits be extended in their favour within a period of one month from the date of passing such order.

5. The O.A. is accordingly disposed of with the above observations/directions. However, there shall be no order as to costs.


MEMBER(J)


MEMBER(A)

ASVS.