

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. OA 1503 of 96

Date of order : 6.7.04

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

Hon'ble Mr.N.D.Dayal, Administrative Member

LAL BEHARI PRASAD & ORS.

VS

UNION OF INDIA & ORS.

For the applicants: Mr.T.K.Biswas, counsel

For the respondents:Mr.P.K.Arora, counsel

O R D E R

N.Prusty, J.M.

Heard Mr.T.K.Biswas, 1d.counsel appearing for the applicants and Mr.P.K.Arora, 1d.counsel appearing for the respondents.

2. The applicants who are claiming to have worked as substitute under the respondent authorities, have filed this application for the following reliefs :

- a) an order directing to the respondents and/or commanding to the respondents to absorb the applicants in Group 'D' posts on E.Rly. in Sealdah Division on the basis of the temporary status of the applicants;
- b) an order directing to the respondents and/or commanding to the respondents to produce the Central Registrar record of the applicants so that good and consonable justice may be rendered as to the regular absorption in Group 'D' post on E.Rly. in Sealdah Division;
- c) the said respondents and each one of them be directed to transmit all the service records of the applicants and also the records of the other volunteers are similarly placed person with the applicants and have been absorbed in permanent/regular service to this Hon'ble Tribunal. In order

that the applicants right have more sure and speedy justice in order to get the order trhere absorption permanent/regular service as they are similarly situated with the said substitute workers who have already been absorbed in permanent/regular service and have been still working in different posts.

d) such other relief or reliefs as to the applicants may be entitled;
e) the applicants further crave leave to submit any other relief which will be deemed fit in accordance with law;
f) leave may be granted to file this application jointly as they have the common interest and same relief sought for under Rule 4(5)(a) of CAT (Procedure) Rules, 1987.

3. When this matter was taken up for hearing Mr.Biswas, 1d.counsel appearing for the applicants prayed to withdraw this application with liberty to the applicants for filing individual representations high-lighting all their grievances before the respondent authorities and respondent authorities may be directed to consider their representation and dispose of the same in accordance with law. Mr.Arora, 1d.counsel for the respondents has no serious objection to the above submission made by the 1d.counsel for the applicants.

4. Considering the submissions made by the 1d.counsel for both the parties the OA is dismissed as withdrawn . No order as to costs.

5. However, the applicants are at liberty to file detailed individual representations enclosing all the relevant documents in support of their contention regarding the period of work performed by them in original, within a period of 2 months from the date of communication of this order and in case such representations are filed, respondent authorities, more particularly respondent No.6 is directed to consider the said representations keeping in view the relevant original documents filed by the applicants in support of ~~their~~ contention and dispose of the same by passing ~~the~~ order in accordance with law within a period of 4 months from the date of receipt of such representation and communicate his decision to the applicants within a period of one month thereafter.

6. It is made clear we have neither gone into nor observed anything on the merits of the case.



ER(A)



MEMBER(J)