

In the Central Administrative Tribunal  
Calcutta Bench

OA/184/1996

15-5-2002

Present : Hon'ble Mr.S.Biswas, Member(A)  
Hon'ble Mr.M.L.Chouhan, Member(J)

Chandibala Adak

-Vs-

S.E.Rly

For the applicant : Mr. A. Chakraborty, Counsel  
For the respondent : Mr.S.Choudhury, Counsel

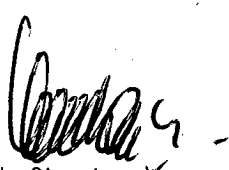
ORDER

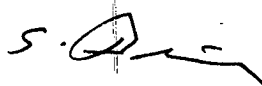
The applicant is the widow of Late Bharat Chandra Adak, who was appointed as Gangman on 17-12-66 under PWI Third line, S.E. Rly, at Panskura. The husband of the applicant worked there till 23-1-68 and thereafter he was retrenched and was again appointed on 17-3-68 under IOW (Con), S.E.Rly, Rail Link to Haldia Port at Panskura and he attained temporary status w.e.f. 1-1-81. Unfortunately, the husband of the applicant died on 12-10-81 while he was in service. The case of the applicant is that the husband of her should be regularised with effect from 1-4-73 against PCR posts and as such he should have been entitled for pensionary benefits. The applicant has prayed that a direction be issued to the respondent to regularise the service of the applicant's husband with effect from 1-4-73 and to grant family pension and other benefits to the applicant. It has further been stated that the applicant made representation on 4-12-95 to the Sr.Project Manager, S.E.Rly, Kharagpur, vide Annexure 'D' to the OA, which has not been decided so far.

2. The respondent has contested the case by filing the reply affidavit, thereby stating that all the Casual Labourers who are on rolls as on 1-4-73 could not be accommodated against 40% P.C.R. post and the husband of the applicant was not eligible for absorption against PCR posts.

3. We have heard the learned counsel for the parties. Shri Chakraborty, the learned counsel for the applicant submits that he will be satisfied if the direction is issued to the respondent at this stage to consider the representation. According to him, some of the persons junior to the husband of the applicant has been regularised by the respondent. It is further submitted that the matter be decided in the light of the Larger Bench Judgement of Calcutta in OA 501/1994 (in Ms. Chandra Kala Pradhan V. Union of India) decided on 23-11-2001.

4. In view of what has been stated above, we are of the view that it will be in the interest of justice if a direction is issued to the respondent to consider the representation made by the applicant vide Annexure 'D' in the OA, in the light of the decision of the Larger Bench, Calcutta in Ms Chandra Kala Pradhan V. Union of India. Such decision will be taken within 2 months from the receipt of the order, treating this application as part of the representation made by the applicant and dispose of the same by passing reasoned and speaking order, which will be communicated to the applicant within 10 days from the date of taking decision. The application is disposed of accordingly. The applicant shall make available the copies of the aforesaid judgement to the respondent No.3 (Dy.Chief Engineer, Construction) within 10 days from today.

  
(M. L. Chouhan)  
Member(J)

  
(S. Biswas)  
Member(A)