

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. OA 358 of 96

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman

Hon'ble Mr. S. Dasgupta, Administrative Member

NARAN JANARDHAN & ORS.

VS

UNION OF INDIA & ORS.

For the applicants : Mr. M.S. Banerjee, counsel  
Mr. M.K. Bandyopadhyay, counsel

For the respondents : Mr. P. Chatterjee, counsel

Heard on : 2.7.98

Order on : 2.7.98

O R D E R

S. Dasgupta, A.M.

We have heard the 1st. counsel for both the parties. No reply has yet been filed by the respondents. In this circumstance the case is being decided after hearing both the counsel and on the basis of the pleadings on record.

2. The 8 applicants have joined in filing the application praying for antedating the date of regularisation of their service w.e.f. 1.4.73 against the PCR posts.

3. The applicants have stated that they were absorbed under the PWI(Construction) in 1980 and later by an order dated 3.6.94 they were regularised retrospectively w.e.f. 1.4.84 against the PCR vacancies. They have further stated that by a letter dated 27.11.86 (Annexure A/4) the CPO, S.E.Railway had conveyed sanction to the creation of Construction Reserve Posts in various categories including the cadre of Khalasis. Thereafter, by a letter dated 25.4.89 the CE(Cong.), S.E.Railway ~~communicated~~ a decision that the date of regularisation of the casual labours would be antedated to 1.4.73 against the Construction Reserve Posts provided they fulfilled the following conditions :-

- 1) The concerned casual labourers should be on roll of the Construction organisation on 1.4.73;
- 2) They rendered 3 years or more aggregate casual service on 1.4.73;
- 3) And they were on turn for regularisation w.e.f. 1.4.73.

4. The grievance of the applicants is that despite such orders, their date of regularisation was not antedated although certain similarly placed persons were given this benefit on the basis of a decision rendered by the Calcutta Bench of the Tribunal in OA 1185/89 and OA 1278 of 93. Their further averments is that among the persons who have been given such benefit of antedating the date of regularisation <sup>of</sup> <sub>some</sub> <sup>are</sup> <sub>cert</sub> <sup>l</sup> juniors to the applicant.

5. On the basis of the averments made in the OA which stand uncontroverted in absence of the reply, the applicants have fulfilled the conditions 1 & 2 which are indicated in the letter dated 25.4.89. So far as the turn for regularisation is concerned, since their averments is that juniors have been given such benefit there is no reason why they should not be given similar benefit.

6. This Bench of the Tribunal ~~has~~ considered a similar matter in OA 265 of 96 and on similar considerations had allowed their application directing that the applicants therein be given the benefit of antedating <sup>of</sup> <sub>their</sub> date of regularisation w.e.f. 1.4.73.

7. In view of the fore-going the OA is allowed. The respondents are directed to extend the benefit of the letter dated 25.4.89 to the applicants with all consequential benefits. This direction be complied within 3 months from the date of communication of this order. OA ~~is~~ is disposed of accordingly. No order as to costs.

  
MEMBER (A)

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VICE-CHAIRMAN