

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

OA 391 of 1996

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

Rupen Ram & 6 Others

.....Applicants

- VS -

- 1) Union of India through the General Manager,  
S.E.Railway, Garden Reach, Calcutta.
- 2) The Chief Personnel Officer(Admn.), S.E.Rly.,  
Garden Reach, Calcutta.
- 3) Sr.Divn. Personnel Officer, S.E.Rly, Kharagpur.
- 4) Divn. Signal and Telecommunication Engineer,  
S.E. Railway, Kharagpur.
- 5) The Traffic <sup>C</sup>ontrol Inspector(W), S.E.Rly.,  
Kharagpur.
- 6) The Jr. Engineer(T), Signal, S.E.Rly, Kharagpur.
- 7) The Signal Inspector(II), S.E.<sup>A</sup>Rly., Kharagpur.
- 8) The Signal Inspector(I), S.E.<sup>K</sup>ly., Kharagpur.

..... Respondents

For the Applicants : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. S. <sup>C</sup>howdhury, Counsel

Date of Order : 17-12-2003

ORDER

MR. NITYANANDA PRUSTY, JM

The applicants, who were earlier initially appointed as casual khalasi in the Construction Unit in the year 1966 and subsequently transferred and posted in the Open Line in the year 1978-79 and till date continuing in the service, have filed the present application for the following reliefs :-

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- i) Declaration that the applicants are entitled to be regularised w.e.f. 1-4-73 as some employees of the erstwhile construction unit juniors to the applicants have been regularised w.e.f. 1.4.73.
- ii) An order do issue directing the respondents to regularise the applicants w.e.f. 1-4-73 enabling them to acquire qualifying service for pensionary benefits.
- iii) Leave may be granted to add the other applicants in the original application under 4(5)(a) of the CAT Procedure Rule.

2. The case of the applicants is that they were, after completion of 12 years of continuous service in the Construction Unit, absorbed in the Open Line under the D.S.T.E.(W-I), S.E. Railway in different capacities. Ld. Counsel for the applicants submits that the applicants have filed representation dated 27-12-1995 before the Chief Personnel Officer (Admn.) (Annexure-E) for their regularisation against the PCR posts w.e.f. 1-4-1973 which is also the main prayer in this O.A. Ld. Counsel for the applicants further submits that if this O.A. is disposed of with a direction to the respondent authorities, more particularly, the respondent No.2 to consider their representation treating this O.A. as a part thereof and keeping in view the earlier order of this Tribunal dated 9-1-2003 passed in O.A. 531 of 1997 (which was filed by the similarly placed employees of the said Railway) within a stipulated period, then they shall be fully satisfied for the time being.

3. Heard Mr. Chakraborty, Ld. Counsel for the applicants and Mr. Chowdhury, Ld. Counsel for the official respondents. Mr. Chowdhury, Ld. Counsel for the official respondents submits that if this O.A. is disposed of with the above direction as prayed for by the Ld. Counsel for the applicants for consideration of their case, then he has no objection. However, there should not be any observation regarding merits of the case.

4. In view of above submissions made by Ld. Counsel for both the parties, we direct the official respondents, more particularly,

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the respondent No.2 to consider the representation of the applicants dated 27-12-1995 (Annexure-E) treating this O.A. as a part thereof; ~~and~~ keeping in view the judgement of this Tribunal dated 9-1-2003 passed in O.A. 531 of 1997 and dispose of the same by passing a reasoned and speaking order within a period of two months from the date of communication of this order and communicate the same to the applicant within a period of two weeks thereafter.

5. It is made clear that we have not observed anything on the merits of the case. However, incase the decision goes in favour of the applicants, then all the consequential benefits, as per decision taken by the official respondents on the representation of the applicants, ~~shall~~ be extended in favour of the applicants within a period of one months ~~from the date of passing such order.~~ The O.A. is accordingly disposed of with the above said observation/direction. However, there shall be no order as to costs.



Member (J)



Member (A)