

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA No. 481 of 1996

Present : Hon'ble Mrs. Lakshmi Swaminathan, Vice-Chairman(J)
Hon'ble Mr. S. Biswas, Administrative Member

Arjun Chandra Routh & four Others

- Versus -

- 1) Union of India service through the Secretary, M/o Defense, New Delhi.
- 2) Engineer-in-Chief, M/o Defense, Kashmir House, New Delhi.
- 3) Chief Engineer, Eastern Command, Fort William, Calcutta.
- 4) Chief Engineer, Bengal Zone, Ballygunge Maidan Camp, Calcutta.
- 5) Commandar Works Engineers, Calcutta.
- 6) Garrison Engineer, Fort William, Cal.
- 7) Garrison Engineer(Central), Calcutta.
- 8) Garrison Engineer(South), Ballygunge Maidan Camp, Calcutta.

....Respondents

For the Applicants : Mr. T.K. Chatterjee, Counsel

For the Respondents : Ms. U. Sanyal, Counsel

Date of Order : 14-01-2003

O R D E R

HON'BLE MRS. LAKSHMI SWAMINATHAN, VICE-CHAIRMAN(J)

This is the second round of litigation by the applicants as they had earlier filed O.A. 1099 of 1994 which was disposed of by the Tribunal (Calcutta Bench) vide order dated 19-12-1994.

2. In OA 1099 of 1994 the Tribunal had directed as follows :

"The Chief Engineer, Eastern Command, the respondent No.8 herein being the highest authority shall look into the grievance of the applicants in the light of the several representations made by them and if there are vacancies in the post of semi-skilled or skilled

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labour under the respondent regard been had to their long services, their promotions, either to the semi-skilled or skilled post may be duly considered in accordance with the appropriate rules. If the same cannot be done by the respondent then they should be intimated by making a speaking order within a period of three months from the date of communication of this order. The application is disposed of at the admission stage itself without any order as to costs. As the respondents have not filed any reply on prayer of Mr. Banerjee it is hereby ordered that the respondents do not admit any of the allegations made in the original application as well as in the supplementary application".

3. The Lt. Counsel for the applicants has drawn our attention to the order issued by the respondents dated 26-5-1995 (Annexure-E) and subsequent letter dated 15-11-1995 written by the Garrison Engineer(C) (Annexure-G). These two letters issued by the respondents are stated to be in compliance with the aforesaid ^{order} of the Tribunal dated 19-12-1994 in OA 1099 of 1994.

4. The Lt. Counsel for the applicants has vehemently submitted that the aforesaid letters have not been issued by the authority i.e. the Chief Engineer, Eastern Command who was supposed to do, ~~as~~ as ordered by the Tribunal on 19-12-1994. We are not persuaded by the submissions made by the Lt. Counsel for the respondents that by the letter dated 15-11-1995, which has been signed by Shri K.K.Sudershan Rao(EE), Garrison Engineer(C), means that it is the Chief Engineer, Eastern Command to whom the order of the Tribunal was given on 19-12-1994. The Lt. Counsel for the respondents submits that (C) stands for 'Central' and therefore, it is obvious that the Tribunal's order has not been complied with by the authority to whom the direction was given.

5. In this application the applicants have sought quashing of the impugned letters dated 26-5-1995 and 15-11-1995 with further direction to promote them to the post of Skilled and Semi-skilled Labour. They have also prayed that they may be allowed to file a joint application.

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6. In the facts and circumstances of the case, the prayer made by the applicants for being permitted to file joint application is not seriously opposed. It is accordingly allowed.

7. In view of what has been stated above, the impugned letters dated 26-5-1995 and 15-11-1995 are hereby quashed and set aside. We reiterate the earlier direction of the Tribunal in the order dated 19-12-1994 in O.A.1099 of 1994 i.e. the Chief Engineer, Eastern Command shall pass a reasoned and speaking order on the claim of the applicants in accordance with the relevant rules and instructions. This shall be done within a period of two months from the date of receipt of a copy of this order with intimation to the applicants. With the above observations, the O.A. is disposed of ~~without~~ ^{with} no order as to ^{the} costs.

S. B. S.

Member(A)

Lalchand Sonawane

Vice-Chairman(J)

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