

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No.774 of 1997

Present: Hon'ble Dr. B.C. Sarma, Administrative Member  
Hon'ble Mr. D. Purakayastha, Judicial Member

Smt. Jotsna Bala Manna, W/o  
Late Kalipada Manna, Ex-Khalasi  
Residing at Vill.Meshara,  
P.O.-K.T.P.P.(T/S),  
Dist. Midnapore

VS

1. Union of India service through  
The General Manager,  
S.E. Railway, Garden Reach  
Calcutta-43

2. The Chief Personnel Officer,  
S.E. Railway,  
Garden Reach,  
Calcutta-43

3. The Divivional Personnel Officer,  
S.E. Railway,  
Kharagpur

4. The B.R.I./I  
S.E.Railway,  
Kharagpur

... Respondents

For the Applicant : Mr. A. Chakraborty, counsel

For the Respondents: Mr. P. Chatterjee, counsel;

Heard on 19.2.1998

: :

Date of order: 19.2.1998

O R D E R

B.C. Sarma, AM

The dispute raised in this application is about the regularisation of the service of the applicant's deceased husband from the date of his empanelment after screening. The applicant is the widow of one late Kalipada Manna who was a Khalasi under the B.R.I., S. E. Railway, Kharagpur. He was initially appointed as a Khalasi on 24.1.62 and attained temporary status in the month of July, 1962. Unfortunately, he died in harness on 28.2.79, but before that he was duly screened and empanelled for absorption in the Railway vide panel No. E/Rect/Engg/C IV/RS/70 dated 3.2.71 and his position in the said panel was 75. The applicant contends that on 1.4.95 she came to know from the office of PWI, S.E. Railway, Kharagpur that her husband was screened and empanelled for appointment in the Railway

has also cited the decision of the Hon'ble Apex Court in the case of Vashwant Hari Katakkar vs. Union of India & Ors., reported in 1996 SCC(L&S) 464 in this case. Hence this petition has been filed with the prayer for a declaration that the husband of the applicant is entitled to be regularised in service from the date of empanelment in terms DRM(P), Kharagpur's letter dated 12.2.96.

2. Mr. Chatterjee, learned counsel appears for the respondents. He submits that he has no instruction in the matter, but when it was pointed out to Mr. Chatterjee that/ a similar matter bearing OA 379/97 an order dated 19.12.97 was passed to the effect that the application shall be considered  as a representation and be disposed of in the light of the observation made therein, Mr. Chatterjee submitted that similar order may be passed in this case as well.

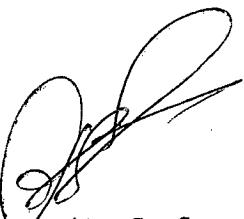
3. In view of the above position the application is disposed of at the stage of admission itself without granting any adjournment to enable the respondents to file reply, with a direction that the respondents, particularly respondent No.3, who is the Divisional Personnel Officer, S.E. Railway, Kharagpur shall treat the instant petition as a representation and shall dispose it of within a period of three months from the date of communication of this order keeping in view the contention made by the applicant and also the judgment passed by this Tribunal in OA 379/97 on 19.12.97. If as a result of such consideration the applicant's deceased husband is found entitled further to <sup>be</sup> regularised in service, such order shall be passed within a period of one month and the applicant shall also be all consequential benefits. No order is passed as regards costs.



(D. Purkayastha)

MEMBER (J)

19.2.1998



(B. C. Sarma)

MEMBER (A)

19.2.1998