

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.OA 945 of 97

Date of order : 1.6.04

Present : Hon'ble Mr.N.Prusty, Judicial Member
Hon'ble Mr.N.D.Dayal, Administrative Memberr

DIPAK RAY & ORS.
VS

UNION OF INDIA & ORS.

For the applicants : Mr.S.K.Dutta, counsel
Mr.T.K.Biswas, counsel

For the respondents: Mr.P.K.Arora, counsel

O R D E R

N.Prusty, J.M.

Heard Mr.S.K.Dutta, ld. counsel leading Mr.T.K.Biswas, ld.counsel appearing for the applicants and Mr.P.K.Arora, ld. counsel appearing for the respondents.

2. The applicants who are presently working as Khalasi being appointed on compassionate ground in Liluah S&T Training Centre, E.Rly., under the administrative control of CSTE/E.Rly./CCC, have filed the present application for the following reliefs :

- a) for an order directing the respondents to fix the lien, seniority etc. of the applicants in HQ. Pool.
- b) for an order granting leave under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules to move this application jointly.
- c) any other or further order or orders as to this Hon'ble Tribunal seem fit and proper.

3. Mr.Dutta, ld. counsel for the applicant submits that the concerned authority are not fixing the lien and seniority, etc. of the applicants in HQ Pool till date and for that the applicants had been deprived from getting any chance for selection against 33.1/3% quota for the post of Typist in the scale of Rs.950-1500/-(RP) from Class IV staff. Even though now and then selections are being made for the post of Typist, since the lien of the applicants are not yet fixed in the HQ Pool, they are not being allowed to appear in the selection test as against 33.1/3% promotion quota for the post of Typist.

4. In the order dated 7.1.03 in this case, on the basis of communication dated 27.10.94 and the reply dated 27.7.95 (Annexure A/2



& A/3) respectively it was observed that there was no such continuation of lien in the notification dated 27.10.94 and accordingly ld. counsel for the respondents was directed to obtain instruction from the respondent authorities in this regard. Mr. Arora, ld. counsel for the respondents submits that even though he has sent the copies of the above orders dated 7.1.03 to the respondent authorities till date they have not send any instruction in the matter clarifying the position as has been directed.

5. When this matter was taken up ld. counsel for both the parties agreed that since the representation of the applicants dated 6.1.97 (Annexure A/8) and also earlier representation of the applicants dated 24.7.95, 18.11.95, 4.12.95 and 10.6.96 have not yet been considered and disposed of by the concerned authority i.e. respondent No.2, at this stage the OA can be disposed of directing the respondent authorities, more particularly respondents No.1 & 2 to consider the above representations submitted by the applicant, treating this OA as a part thereof, and dispose of ^{the} same by passing a reasoned and speaking order within a stipulated period, keeping in view the order dated 7.1.03 as well as the fact that till date the applicants are continuing/working against HQ Pool.

6. Considering the submissions made by ld. counsel for both the parties the respondent authorities, more particularly respondents No.1 and 2 are directed to consider the representations of the applicant dated 6.1.97 (Annexure A/8) along with the earlier representations dated 24.7.95, 18.11.95, 4.12.95 and 10.6.96, treating this OA as a part thereof and dispose of the same by passing a reasoned and speaking order in accordance with law within a period of 2 months from the date of communication of the order, keeping in view the order dated 7.1.03 passed in this OA and also the fact that the applicants are recruited against the HQ controlled post and till date continuing in the said post and communicate the decision to the applicants within a period of 2 weeks from the date of passing such order. It is made clear that in case there will be any selection test for the post of



Office Clerk/Typist against 33.1/3% promotional quota for the HQ controlled post the respondent authorities shall consider the claim of the applicant for the above said post and allow them to appear in the test subject to result of the decision taken by the respondent authorities on the representations of the applicants, as per above direction.

7. The OA is accordingly disposed of with the above observation/direction. No order as to costs.

8. However, it is made clear that in case the applicants have any further grievance in this matter they shall be at liberty to approach the appropriate forum for redressal of their grievances in accordance with law.



MEMBER(A)



MEMBER(J)

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