

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

OA No. 1131 of 1997.

Present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.

HON'BLE MR. D. PURKAYASTHA, JUDICIAL MEMBER.

S/Sri

1. Lalit Gobinda Saha,
S/o- Kate, Durga Prasad Saha,
@ Bucha Saha,
Nutanpara, Nona Chandanpukur,
PS Titagarh, Dist- 24 Pgs.(N).
2. Sanjib Kr. Banerjee,
S/o- Lt, Sitiesh Ch. Banerjee,
69/A/C, 'C' Road, Anandapuri,
Titagarh, Nonachandanpukur,
24 Pgs.(N).
3. Jogeswar Gupta,
S/o- Lt, Saureswar Gupta,
54/1, Rafi Ahmed Kidwai Rd,
Calcutta- 55
4. Smarajit Kr. Bandyopadhyay,
S/o- Lt, Jiban Krishna Bandopadhyay,
Rathtala, PS. Bijpur,
Kanchrapara,
24 Pgs.(N).
5. Pasupati Adhikary,
S/o- Lt, Sukumar Adhikary,
Vill- Purbachal, Nonachandanpukur,
24 Pgs.(N), PS. Titagarh.

... Applicants.

Vrs.

1. The Union of India,
through the Secretary,
Telecommunication Deptt.
Govt. of India, Sanchar Bhawan,
New Delhi-1.
2. The Chairman, ~~Rxx~~ Board of Telecom,
Sanchar Bhawan, New Delhi-1.
3. The Director, Telecom. Deptt,
Sanchar Bhawan, New Delhi-1.
4. Chief Gen. Manager, W.B. Circle,
Calcutta-1.
5. The Chief Supdt, Central Telegraph Office,
Calcutta.
6. The Secretary, Finance Deptt. New Delhi.

... Respondents.

For applicants : Mr. R.B. Sharma, Counsel.

For respondents : Mrs. U. Sanyal, Counsel.



Heard on : 26.11.97.

Ordered on : 26.11.97.

O R D E R

B.C.Sarma, AM.

1. Five applicants have jointly filed this application raising the dispute about counting of past military service after attaining the minimum age prescribed for appointment to the civil post for the purpose of increment and re-employment in civil post. They have also raised the dispute that the period of military service should be taken into account for the purpose of determining the seniority, promotion and all other monetary benefits in the Civil post i.e. one advance increment in civil post for each year of rendering defence service towards pay fixation on re-appointment (Rs. 260/- plus three advance increment and plus one advance increment of each year of defence service). Accordingly, relief in the petition has been prayed for.
2. Mrs. Sanyal, ld. Counsel appearing for the respondents submits that she has no instruction in the matter as she got the brief only on last evening.
3. Mr. Sharma, ld. Counsel for the applicant submits that there is a representation pending before the respondents which was submitted on 20.8.1997 as set out at Annexure G-5 to the application. It was also his submission that in the representation itself the decision of the Hon'ble Apex Court in the case of - Rajpal Sharma & Ors. Vs. State of Haryana & Ors. along with certain other appeals, reported in AIR 1985 SC 1263, ^{/has been mentioned.} It has been mentioned also in the representation that all those persons released from Military service constitute one class and it is not possible to single out certain persons of the same class for differential treatment.

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Mr. Sharma, therefore, argues that the benefit of that Judgement of the Hon'ble Apex Court should be given to the applicants and, that is why, the ~~in text~~ representations were filed.

4. We have heard the submission of the ld. Counsel for both the parties, perused records and considered the facts and circumstances of the case. We find that the representation was filed by the applicant ^{/no.3} only on 20th August'97 whereas the instant application has been filed on 25th September'97. It is, therefore, clear that the respondents did not have adequate time to consider the said representation and take ^a the decision thereon for which the petitioners should have waited. Whatever that may be, we are of the view that this application should be disposed of at the stage of admission itself by giving a suitable direction on the respondents.

5. In view of the above, the application is disposed of at the stage of admission hearing itself with the direction that within a period of three (3) months from the date of communication of this Order the respondents shall dispose of the representation dated 20th August'97 as set out at 'G-5' to the application submitted by the applicant no. 3 and other representations submitted by remaining applicants as set out in the petition and they shall dispose them of by passing a reasoned order. As a result of such consideration if the applicants are found entitled to get such benefit as prayed for, such benefit be given to them as per rules within a period of three (3) months from the date of taking of such decision.

6. Mrs. Sanyal, ld. Counsel for the respondents has ~~raised~~ the point of Limitation on the ground that certain representations were filed as early as in 1988. We have considered the submission of Mrs. Sanyal and we are of the view that since in the matter of



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