

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 146 of 97
OA 1479 of 99

Date of order : 26.2.2002

Present : Hon'ble Mr. B. P. Singh, Administrative Member
Hon'ble Mr. M. L. Chauhan, Judicial Member

APURBA CHATTERJEE & ORS.

VS

UNION OF INDIA & ORS.

For the applicants : Mr. N. C. Chakraborty, counsel (OA 146/97)
Mr. Samir Ghosh, counsel (OA 1479/99)

For the respondents: Mr. K. Sarkar, counsel (OA 146/97)
Mr. T. P. Biswas, counsel (OA 1479/99)

O R D E R

When the case is taken up today, the 1d. counsel for the respondents has drawn our attention to a similar OA 1479/99 which has been filed by the same applicant praying the same reliefs as has been made in OA 146/97.

2. Ld. counsel for the applicant submits that since reliefs are identical in both the OAs if one of the OAs be disposed of by a suitable order, the other will become infructuous. Ld. counsel for the respondents submits that since reliefs prayed for in both the OAs are one and same and the parties are also same, therefore one of the OAs is to be withdrawn.

3. We consider the submissions of 1d. counsel for both the parties. We find that in case, one of the OAs is disposed of by passing a suitable order, the other OA will become infructuous. We, therefore, consider the OA 146/97 and after the decision, OA 1479/99 will become infructuous and we will record the similar observation in OA 146/97.

4. In OA 146/97 six applicants have prayed for the following reliefs :

- (a) In view of the prayer made in para 4(ii) of the application the applicants may be permitted to move this petition jointly.
- (b) To direct the respondents to regularise the employment of the applicants in suitable vacancies.

(c) To direct the respondents to extend the consequential benefits as admissible if the applicants are regularised.

5. The applicants were engaged as part-time Visties and subsequently engaged as unapproved casual labours for carrying Mail Bags in the R.M.S. Office. It is stated by them that they are still continuing as such till date. By this appointment they have completed more than 240 days in a particular year and they are entitled to the granting of temporary status followed by regularisation. The applicant were initially engaged in the year 1991 and they are continuing in one type of engagement or the other since then till date. They have also made representation to the respondent authorities for regularisation of their service. A combined representation dated 7.10.99 enclosed as Annexure 'I' at page 56 & 57 of OA 1479/99 is on record. The 1d. counsel for the applicant submits that the applicants will be satisfied if the respondent authorities are directed to consider the representation according to rules and pass necessary order within a stipulated period.

6. The 1d. counsel for the respondents has submitted that the applicants have not completed 240 days as a casual worker in a particular year. When his attention was drawn to two replies in both the OAs that a contradiction appears in the reply of the two cases. The 1d. counsel for the respondents submitted in OA 1479/99 where there is a statement in the reply that the applicants have completed 240 days in a particular year whereas in OA 146/97 it has been stated that they have not completed more than 240 days in a particular year. The 1d. counsel submitted that since this reply in OA 1479/99 was submitted subsequently and therefore by that time they had completed 240 days in a particular year and therefore this statement has been made in OA 1479/99.

7. We do not want to enter into these submissions made by the respondents in the reply. We think it proper that specific direction be given to the respondent authorities to consider the representation of the applicants according to the rules and pass a speaking and reasoned order within a stipulated period. We accordingly direct

the respondent authorities to consider the representation which is enclosed in OA 1479/99 as referred to above within a period of 3 months from the date of communication of this order and consider the same according to rules and pass a reasoned and speaking order which should be communicated to the applicants within a period of 2 weeks thereafter.

8. Both the OAs stand disposed of. No order as to costs.

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MEMBER (C)

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MEMBER (A)

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