

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA 1051 of 1997

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

S.N.Mishra & 21 Others

... Applicants

-VS-

- 1) Union of India through the General Manager, S.E. Railway, Garden Reach, Calcutta-43.
- 2) The Divisional Rly., Manager, S.E. Railway, Adra, West Bengal.

.... Respondents

For the Applicants : Mr. B. Chatterjee, Counsel

For the Respondents : Mr. S. Chowdhury, Counsel

Date of Order : 31-05-2004

ORDER

MR. NITYANANDA PRUSTY, JM

The applicants, who are presently working as Khalasis in the S.E. Railway under the Divisional Railway Manager, in the Carriage and Wagon Department at Jamadoba under the control of Adra Division of S.E. Railway, have filed the present application for the following reliefs :-

- a) The applicants pray for permission to file this case jointly as the relief claimed is the same and against the same respondents, to avoid multiplicity of cases as desired by the Courts and the Tribunals.
- b) A direction upon the respondents to at once bring the applicants at par with the employees junior to them as per Annexure-A to the OA with retrospective effect.

Contd...

- c) A direction upon the respondents to further grant them promotion as that of their contemporaries as stated in para 4.5 of this petition since they have been deprived of their right of promotion for no fault of theirs or in the alternative, send them to other departments with their seniority where the avenue of promotion is there as done in the cases of steam Loco Staff to which equal treatment they are entitled to being in the same Govt. department.
- d) A direction upon the respondents not to make them work at HATIA when sent there to work under their juniors' order and directions who are there vide Annexure-A.
- e) All costs of this case and/or any other relief or reliefs as deemed fit by the Tribunal in the ends of justice.

2. Mr. Chatterjee, Ld. Counsel for the applicants submits that even though the applicants had worked for quite a number of years in their respective posts, till date they have not been given any promotion as has been given to their counterparts working in other departments. As regards this the applicants also made a number of representations dated 28.11.95, 26.12.95 and 19.9.96 (Annexures-A/1, A/2 and A/3). Ld. Counsel submits that till date the respondent authorities have not considered the above representations filed by the applicants nor intimated anything as regards those representations to the applicants. Mr. Chatterjee, Ld. Counsel further submits that at this stage if this O.A. is disposed of directing the respondents, more particularly the respondent No.2 to consider the above representations filed by the applicants treating this O.A. as a part thereof and dispose of the same by passing a reasoned and speaking order within a stipulated period, the applicants shall be fully satisfied.

3. Mr. Chowdhury, Ld. Counsel for the respondents submits that the respondents have not received the above representations made by the applicants and in paragraph 11 of the reply they have categorically stated that the above representations have never been received

by them. Mr. Chatterjee, Ld. Counsel for the applicants submits that since all the representations have been enclosed alongwith the O.A., the respondent authorities may be directed to consider the above representations filed alongwith this O.A. treating this O.A. as a part thereof. Mr. Chowdhury, Ld. Counsel for the respondents submits that since the representations have already been enclosed alongwith this O.A., as a part thereof the same can be considered and disposed of.

4. Considering the submissions made by the Ld. Counsel for both the parties, the respondent authorities, more particularly, the respondent No.2 is directed to consider the representations of the applicants dated 28.11.95, 26.12.95 and 19.9.96 filed by the applicants alongwith this O.A., treating this OA as a part thereof and dispose of the same by passing a reasoned and speaking order within a period of three months from the date of communication of this order and communicate their decision to the applicants through applicant No.1 within a period of two weeks from the date of passing such order.

5. It is made clear that we have ~~neither gone into~~
~~the case~~ nor observed anything on the merits of the case.

6. The O.A. is accordingly disposed of with the above observation/direction. However, there shall be no order as to costs.



Member (A)



Member (J)

BKN