

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No.339 of 1997

Present: Hon'ble Dr. B.C. Sarma, Administrative Member

Hon'ble Mr. D. Purakayastha, Judicial Member

1. Dipak Chakraborty
2. C.K. Roy Chowdhury
3. R.K. Pramanick
4. D. Maity
5. P.S. /ghosh
6. M.M. Maity
7. J.L. Bose
8. Smt. Krishna Mondal
9. A. MISHRA
10. P. Kulavi
11. R. S. Sengupta
12. Sujit Bhattacharjee

.... Applicants

VS

1. Union of India, service through
The General Manager,
S. E. Railway,
Garden Reach
Calcutta-700 003

2. Railway Board
Service through
The Chairman,
Rail Bhavan
New Delhi

3. The Chief Personnel Officer,
S. E. Railway
Garden Reach
Calcutta-700 023

4. The Divisional Railway Manager,
S. E. Railway,
Kharagpur

5. The Divisional Personnel Officer,
S. E. Railway
Kharagpur

..... Respondents

For the Applicants : Mr. A. Chakraborty, counsel

For the Respondents : Mr. P. Chatterjee, counsel

Heard on 10.12.1997

: :

Date of order: 10.12.1997

O R D E R

B.C. Sarma, AM

Twelve applicants have jointly filed this application raising the grievance about non-consideration of the representation and praying for the extension of the judgment passed by the

Contd...2/-

Hon'ble Supreme Court in the case of Anuradha Mukherjee & Ors. etc. etc. vs. Union of India & Ors. etc. in CA No.4265 of 1996. IN the relief, the applicants have prayed for a declaration that those, who were in service prior to 1.10.80 and have been selected as Sr. Clerk Grade in the scale of Rs.330-560/Rs.1200-2040(RPS) through LDCE, will be eligible for proforma fixation of pay w.e.f. 1.10.80 without monetary benefits except for the purpose of pension. They are also entitled to the emoluments with effect from the date on which they actually took over the charge of the post of Senior Clerks.

2. When the admission hearing of the matter was taken up today, Mr. Chatterjee, learned counsel for the respondents submits that he would like to file a reply in this case. We have considered the submission of Mr. Chatterjee, but we are of the view that a simple prayer is made before us by the learned counsel for the applicants to the effect that in this case the benefit of the judgment of the Hon'ble Apex Court in Anuradha Mukherjee case be considered. If that is the position, we are of the view that the matter cannot be kept pending for long and it can be disposed of simply by giving a direction.

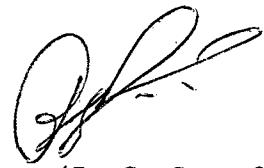
3. In view of the above, the application is disposed of at the stage of admission itself with the direction that within a period of three months from the date of communication of this order, respondent No.5, who is the Divisional Personnel Officer, S.E. Railway, Kharagpur shall treat the instant application as a fresh application and shall dispose it of keeping in view the judgment of the Hon'ble Supreme Court as discussed above in this regard and the result of such consideration shall be conveyed to the applicant individually within a month thereafter. However, if as a result of such consideration the applicants are found entitled to get the benefit, the respondents shall give such benefit as per rules within a period of two months from the date of taking such decision. No order is passed as regards costs.



(D. Purkayastha)

MEMBER (J)

10.12.1997



(B. C. Sarma)

MEMBER (A)

10.12.1997