

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA 535 of 1997

Present : Hon'ble Mr. S. Biswas, Administrative Member
Hon'ble Mr. A. Sathath Khan, Judicial Member

Mrinal Kanti Das & Ors.

- VS -

Eastern Railway

For the Applicants : Mr. P.C. Das, Counsel
Mr. B. Chatterjee, Counsel

For the Respondents : Dr. Ms. S. Sinha, Counsel

Date of Order : 07-01-2003

ORDER

MR. A. SATHAH KHAN, JM

The applicants have prayed for direction upon the respondents to give all of them the benefit of absorption on the ground that they had been put in continuous service for more than 120 days under the respondents and also for giving them temporary status. The applicants rely upon the decision of this Tribunal in various cases, the latest being the order of this Tribunal dated 24-9-2002 in O.A. 684 of 1996 in which this Tribunal has given the following direction :

"Respondents to verify the documents of the applicants and to consider their claims as contained in their representations within three months from the date of receipt of a copy of this order. If the documents of the applicants are found genuine they shall be accorded all the consequential benefits as prayed for. However, if the claims are found

Contd.....

otherwise, the orders passed by the respondents shall not bestow upon applicants a cause of action to approach this Court again. No costs."

2. On the contrary, the Ld. Counsel for the respondents contends that the applicants never worked in the Railways and did not acquire any temporary status. Hence, they are not entitled for absorption.

3. As there are disputed facts, we do not propose to enter into the merit of the case. However, since the applicants allege that they are also similarly placed with the applicants in O.A. 684 of 1996, we are inclined to issue a similar direction. Accordingly, the respondents are directed to verify the documents of the applicants and to consider their claims as contained in their representations within four months from the date of receipt of a copy of this order. If the documents of the applicants are found genuine they shall be accorded all the consequential benefits as prayed for. However, if the claims are found otherwise, the orders passed by the respondents shall not bestow upon the applicants a cause of action to approach this Court again. No costs. Accordingly, the O.A. is disposed of.



Member(J)


Member(A)