



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

MA. 350/393/2013 with O.A. 350/678/17

PARTICULARS OF THE APPLICANTS:

1. Amalendu Ghosh son of Ajit Ghosh, aged about 54 years, residing at Madral New Town, P.O. - Madral, P.S. - Jagaddesh, District - 24 Paraganas (North), Pin 743126, West Bengal
2. Pabon Mondal, son of Gopal Mondal, aged about 36 years, residing at 8/117, Q-Seven Tanks Estate Cossipore Club, 4, Dum Dum Road, Kolkata 700 002
3. Soumen Das, son of Tarak Nath Das, aged about 39 years, residing at Old Jheel Road Street, Kolkata 700 002
4. Sannyasi Balmiki, son of Jiwaram Balmiki, aged about 40 years, residing at Old Jheel Road Street, 3 No. Gud House, Kolkata 700 002
5. Jiten Jaiswara, son of late Nandu Jaiswara, aged about 45 years, residing at 23/1B/H/5, Cossipore Road, Kolkata 700 002
6. Arun Mitra, son of Monoranjan Mitra, aged about 34 years, residing at 4Q Seven Tank, Estate Cossipore Club, 4 Dum Dum Road, Kolkata 700 002
7. Shivasankar Das, son of late Sannyasi Charan Das, aged about 48 years, residing 124, K K Ram Das Road, Factory Gate, Post Office, Nimta, Kolkata 700 0049
8. Paritash Kar, son of Nishikanta Kar, aged about 48 years, residing at Shodpur Mohendra Nagar Taltola Kellor

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9. Tapan Karmakar, son of late Manik Karmakar, aged about 45 years, residing at Goar Khara Malir Bagan, P.S. - Sonarpur, Post Office - Sonarpur, District - 24 Paraganas (South), Kolkata 700150

..... APPLICANT

V E R S U S -

- i) Union of India, through the Secretary, Ministry of Defence, South Block, New Delhi 1
- ii) The General Manager, Gun and Shell Factory, Cossipore, B T Road, Kolkata 700 002

..... RESPONDENT

W.L

No. M.A. 350/00393/2017
O.A. 350/00678/2017

Date of order: 20.7.2017

Present: Hon'ble Mr. A.K. Patnaik, Judicial Member

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. B.B. Chatterjee, Counsel

O R D E R (Oral)

Per A.K. Patnaik, Judicial Member:

Heard Mr. A. Chakraborty, Ld. Counsel appearing for the applicant.

2. M.A. No. 350/00393/2017 filed for joint prosecution is allowed and disposed of.

3. I find that Mr. B.B. Chatterjee, Ld. Counsel, who usually appears for the Union of India is present in Court and on my advice a copy of the O.A. is served upon him.

4. This O.A. has been filed by Shri Amalendu Ghosh and eight others challenging inaction on the part of the respondent authorities in not regularizing their services though they have rendered 240 days of service in the organization. This O.A. has been filed praying for the following reliefs:

"a) An order do issue directing the respondents to absorb the applicants, Ex-Casual Nerricks/Safaiwalas under the respondents since similarly circumstanced casual labourers were regularized under the respondents.
b) Leave may be granted to add the other applicants in the Original Application under Rule 4(5)(a) under CAT (Procedure) Rules, 1987.."

5. The facts in a nut shell as per Mr. Chakraborty, Ld. Counsel for the applicant are that the applicants were initially appointed as Nerrick Labourers under General Manager, Gun & Shell Factory, Cossipore. They were appointed to work in the said post with the approval of the General Manager. They completed more than 240 days of service in the year 2010.

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After the year 2010, they were placed under Contractor. Now they are being paid through Contractor though they are working as Safaiwala in the Gun & Shell Factory, Cossipore. It is their contention that though some of the Nerricks/Safaiwalas who were working with them have been absorbed by the respondent authorities but they have been deprived of the same.

6. Mr. A. Chakraborty, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 2 to dispose of the representation dated 23.02.2017 within a specific time frame.

7. I think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent No. 2, that if any such representation have been preferred on 23.02.2017 and the same is still pending consideration, then it may be considered and disposed of by way of a well-reasoned order within a period of six weeks from the date of receipt of a copy of this order under communication to the applicant and if after such consideration, the applicant's grievance is found to be genuine, then expeditious steps may be taken within a further period of six weeks to extend the benefits to the applicant. However, if in the meantime, the representation stated to have been preferred on 23.02.2017 have already been disposed of then the result be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

8. I make it clear that I have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force.

9. A copy of this order along with paper book be transmitted to the respondent No. 2 by speed post for which Mr. A. Chakraborty undertakes to



deposit necessary cost in the Registry by the next week.

10. With the aforesaid observation and direction, the O.A. is disposed of.

(A.K. Patnaik)
Judicial Member

SP

