

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

O.A/350/760/2018
M.A/350/377/2018

Date of Order: 14.06.2018

Coram : Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

1. Sulendra, son of Late R.D Chowdhury, aged about 50 years, working as Substitute under Station Manager Eastern Railway, Sealdah Division, having residence at 2/7, Kamar Dangar Rly Qrs., Kolkata-46.
2. Balaram Sardar, son of late Satish Sardar, aged about 52 years, working as Substitute under Station Manager Eastern Railway, Sealdah Division, having residence at 38F, Railway Quarter, post : Shyamnagar, District North 24 PGS, PIN 743145.

---Applicants

-Versus-

1. Union of India, service through the General Manager, Eastern Railway, 17 N.S Road, Kolkata 700001.
2. Division Railway Manager, Eastern Railway, Sealdah Division, Kolkata - 700014.
3. Senior Division Personal Officer, Eastern Railway, Sealdah Division, Kolkata 700014.

----Respondents

For the Applicant(s) : Mr. N. Roy, Counsel

For the Respondent(s) : None

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

Ld. counsel for the applicants is present.

2. This M.A bearing No. 350/377/2018, arising out of O.A 350/760/2018, has been filed for joint prosecution on the ground that both the applicants have been appointed as Substitute Porter in 1985 and that both have filed the O.A praying for regularisation of their service. As vociferously contended by the ld. counsel for the applicant, the applicants have common cause of action and common cause of interest.

Hence, the M.A 377/2018 for joint prosecution is allowed and is disposed of accordingly.

3. The O.A, bearing No. 350/760/2018, has been filed praying for the following relief:

“ A. To issue direction upon the respondents to consider regularisation / absorption to the applicants forthwith.
 B. To issue further direction upon the respondent to consider the representation for absorption to the application forthwith.
 C. Any other order of Ld. Tribunal deem fit and proper.
 D. To produce connected Departmental record at the time of hearing.
 E. Leave may be granted to file this joint application under rule 4(5)(a) of CAT Procedure Rule 1987. ”

4. Ld. counsel for the applicant further submits that a prayer jointly made by both the applicants, dated 17.12.2017 (Annexure A 13 to the O.A), praying for regularisation is pending with the respondent authorities, and the purpose of the applicant will be served if such representation is directed to be considered within a specific time frame.

5. Accordingly, without entering into the merits of the case, the Respondent No. 3, who is the Senior Division Personal Officer, Eastern Railway, Sealdah Division, Kolkata is directed to consider the said representation, if received at his end, and to dispose of the same with a reasoned and speaking order, based on the extant rules and regulations of the respondent authorities, within a period of 4 weeks from the date of receipt of a copy of this order.

In case the representation has not been so received, the applicants are granted liberty to file a comprehensive representation to the concerned Respondent No. 3, within a period of 2 weeks from the date of receipt of a copy of this order. Upon receipt of the same, the Respondent No. 3 will dispose of the said representation/comprehensive representation within a period of 4 weeks

thereafter, with a reasoned and speaking order based on the extant rules and regulations of the respondent authorities and communicate the decision forthwith to the applicants.

6. With this, both the O.A and M.A is disposed of. No costs.

(Dr. Nandita Chatterjee)
Member (A)

ss

