



M.A. 350/00241/2017
Q.A. 350/01130/2016
-PB "

16/5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CALCUTTA BENCH

DETAILS OF THE APPLICATION:

PARTICULARS OF THE APPLICANTS:

1. Sohail Ahmed Khan, son of Md. Siddique Khan, aged about 40 years, residing at 376/2, Sarat Chatterjee Road, HIT Plot No. 28, Howrah 3
2. Md. Khalid, son of Md. Kasin, aged about 40 years, residing at 376/2, Sarat Chatterjee Road, HIT Plot No. 72, Howrah 3
3. Md. Sowel, son of Ibrahim, aged about 46 years, residing at 51 PM Basti 3rd By Lane, Howrah.
[By Lane, Howrah. Son of Late Sk Rahman aged about 46 years, residing at 376/2, Sarat Chatterjee Road, HIT Plot No. 61, Howrah 3]
4. Md. Zakir, son of Md Ayub, aged about 44 years, residing at 7 No. K, S Lane, P.O. + P.S. – Shibpur, Howrah 2
5. Md. Anbar Hussain, son of Md Soib, aged about 38 years, residing at 64/1 K S Lane, P.O. + P.S. – Shibpur, Howrah 2
6. Md. Tahir, son of Md. Anzarrul Haque, aged about 36 years, residing 18/2 Katipara Lane, P.O. – Shirpur, Howrah 2
7. Md. Kadir Hussain, son of Md. Ainul Haque, aged about 49 years, residing at 7, No, K S Lane, P.o. – P.S. – Shibpur, Howrah 2
8. Sk Amir Hussain, son of Late Sk Rahman, aged about 46 years, residing at 376/2, Sarat Chatterjee Road, HIT Plot No. 61, Howrah 3
9. Md. Sahabuddin, son of Md. Hussain, aged about 40 years, residing at 376/2, Sarat Chatterjee Road, HIT Plot No. 125, Howrah 3

Sohail Ahmed Khan *Wd*

14/4/71 Ahmed, son of Md. Ali Hussain, aged about 41 years, residing at 376/2, Sarat Chatterjee Road, HIT Plot No. 72, Howrah 3

10. Md. Majahir, son of Md. Ajij, aged about 41 years, residing at 376/2, Sarat Chatterjee Road, HIT Plot No. 67, Howrah 3

11. Abdul Hannan, son of Md. Monosrul Haque, aged about 40 years, residing at 376/2, Sarat Chatterjee Road, HIT Plot No. 82, Howrah 3

12. Safi Ahmed, son of Md. Ali Hussain, aged about 44 years, residing at 376/2, Sarat Chatterjee Road, HIT Plot No. 72, Howrah 3

13. Sarfuddin, son of Md. Kasim, aged about 43 years, residing at 376/2, Sarat Chatterjee Road, HIT Plot No. 72, Howrah 3

14. Sami Ahmed, son of Md. Ali Hussain, aged about 41 years, residing at 376/2, Sarat Chatterjee Road, HIT Plot No. 72, Howrah 3

15. Upendra Singh, son of Raanad Singh, aged about 53 years, residing at 46 C. M. Road, P.S. Molipanthara, Howrah 1

16. Deb Kumar Mondal son of Feluram Mondal; aged about 44 years, residing, Village Bhurah, Post Office Agunshi, P.S. – Bagnan, District Howrah, Pin 711303

17. Sami Ahmed, son of Md. Ali Hussain, aged about 45 years, residing at 376/2, Sarat Chatterjee Road, HIT Plot No. 72, Howrah 3

18. Parwez Alam, son of late Mobin Ahamed, aged about 43 years, residing at 376/2, Sarat Chatterjee Road, HIT Plot No. 50, Howrah 3

19. Md. Islam, son of Md. Habib, aged about 28 years, residing 36/4, Kajipara Lane, P.O. – B Garden, Howrah 3

20. Jacky Ahmad, son of Md. Basir, aged about 38 years, residing at 376/2, Sarat Chatterjee Road, HIT Plot No. 72, Howrah 3

21. Lal Md. Khan, son of Md. Sayed Khan, aged about 47 years, residing at 12/11, Dr. Gangadhar Mukherjee Road, Ram Kishnapur, Howrah 1

Sohail Ahmed

WAE

-4-

-17-

22.Md. Kalam, son of Md. Habib aged about 38 years, 10 No. Seal Basti 2nd by lane, Shibpur, Howrah 2

23.Md. Salam, son of Md. Habib aged about 36 years, residing at 39 P. M. Basti 3rd by lane, Shibpur, Howrah 2

24.Md. Ekbal, son of Late Tahir Hussain, aged about 45 years, residing at 376/2, Sarat Chatterjee Road, HIT Plot No. 61, Howrah 3

25.Satish Kumar Singh, son of Kesho P. Singh, aged about 39 years, residing at 8/9 Sri Arabindo Road, Salika, Howrah 6

26.Binod Kumar Mahato, son of Biswanath Mahato, aged about 46 years, residing at Rishra Hooghly, N S Road, - 712103

27.Sarman Sahikh, son of Momin Shaikh aged about 38 years, residing at Village and Post Office Akanda, Bfria, Nadia, Pin 741137

28.Paramanand Dey, son of Asit Kumar Dey, aged about 41 years, residing at Village & Post Office - Raghudev Bati, P.S. - Sakrail, District - Howrah, Pin 711310

All are working as Parcel, Porter, Van Driver or D.P.O. Howrah E. Railway.

.....APPLICANTS

- V E R S U S -

PARTICULARS OF THE RESPONDENTS:

- 1) Union of India, through the General Manager, Eastern Railway, Fairlie Place, Kolkata 700 001
- 2) The Divisional Railway Manager, Eastern Railway, Howrah 711101
- 3) The Senior Divisional Commercial Manager, Eastern Railway, Howrah 711101
- 4) The Chief Parcel and Luggage Inspector, Eastern Railway, Howrah 711 101

.....RESPONDENTS

Rohail Shukla *SK*

No.O.A/350/1130/2016

Date : 16.05.2017

M.A.350/241/2017

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

In this O.A. the applicants have prayed for the following:-

For the applicant : Mr. A. Chakraborty, counsel

Ms. P. Mondal, counsel

For the respondents: Mr. M. K. Bandyopadhyay, counsel

O R D E R (ORAL)

A.K. Patnaik, Judicial Member

This O.A. has been filed under Section 19 of the Central Administrative Tribunals Act, 1985 challenging the action of the respondents in not treating the applicants as regular employees from the date of their joining as Parcel Porters.

2. In this O.A. the applicants have prayed for the following reliefs:-

"a) Declaration that engagement of the applicants as Substitute is contrary to the direction passed by Hon'ble Apex Court in Writ Petition No.WP(C) No.239 of 2008;

b) An order do issue directing the respondents to absorb the applicants in the Railway as Parcel Porters with effect from the date of engagement as Substitute as they were screened and declared medically fit for absorption in the Railway;

c) Decision taken by the Railway respondents regarding engagement of the applicants as Substitute cannot be tenable in eye of law and the applicants may be treated as regular employee in the railway since the date of their appointment;

d) Leave may be granted to file this application jointly under rule 4(5)(a) of the CAT(Procedure) Rules, 1987."

3. The applicants have also filed an M.A.No.350/241/2017 seeking permission to file joint petition under Section 4(5)(a) of C.A.T.(Procedure) Rules, 1987.



As applicants in the instant O.A. would be

4. Heard Id. counsel for the applicants, Mr. A. Chakraborty along with Ms. P.

comprehensive representations ventilating their grievances

Mondal. Id. counsel for the respondents, Mr. M.K. Bandyopadhyay is also

No.2 i.e. the Divisional Railway Manager, Eastern Railway, Howrah and the said
present and heard.

5. Having heard both sides, the M.A.350/241/2017 for filing joint petition is

allowed. Pleadings are complete in the O.A., therefore, the matter should have
been listed for hearing.

6. Mr. A. Chakraborty fairly submitted that some similarly situated employees

have been given the benefits as claimed by the applicants in this O.A., therefore,

the applicants in the instant O.A. would be satisfied if they are permitted to make

comprehensive representations ventilating their grievances to the Respondent

No.2 i.e. the Divisional Railway Manager, Eastern Railway, Howrah and the said

authority is directed to consider and dispose of the same by passing a well

reasoned order keeping in mind the relevant rules and guidelines governing the

field, within a specific time frame.

7. Considering the aforesaid facts and circumstances, I do not think that it

would be prejudicial to either of the sides if the applicants are permitted to file

comprehensive representations(individually) to the Respondent No.2 ventilating

their grievances and a direction is given to the respondent No.2 to consider and

decide the same as per rules and regulations in force. Accordingly the applicants

are given liberty to file comprehensive representations enclosing the relevant

documents and a copy of this order, to the Respondent No.2 individually within a

period of 2 weeks. In such a scenario, the Respondent No.2 i.e. the Divisional

Railway Manager, Eastern Railway, Howrah shall consider and dispose of the said

representations of the applicants by passing a well reasoned order keeping in



now within a further period of two months from

the matter.

3

mind the relevant rules and guidelines governing the field and communicate the result to the applicants within a period of six weeks from the date of receipt of such representations.

my friend

Though I have not gone into the merits of the O.A., still I hope and trust that if the applicants' claim are found to be genuine, they will be granted the relief within a further period of two months from the date of taking decision in the matter.

8. It is once again made clear that I have not gone into the merits of the case and all the points raised to be raised in the representations are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

9. With the above observations both the O.A. and the M.A. stand disposed of.
No order as to cost.

(A.K. Patnaik)
Judicial Member

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