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**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, 234/4 A.J.C Bose Road Nizam Palace Kolkata**

ORDER SHEET

COURT NO. : 1

30.08.2018

O.A./350/1282/2018

M.A./350/639/2018

(MENTIONED) (SB)

ITEM NO:14

FOR APPLICANTS(S) Adv. :

MADHAB ROY & OTHERS

-V/S-

CENTRAL WATER COMMISSION

Mr. B.Chatterjee

FOR RESPONDENTS(S) Adv.:

Mr. B.P.Manna

Notes of The Registry	Order of The Tribunal
	<p>Heard Mr. B.Chatterjee, Ld. Counsel for the applicants, and Mr. B.P.Manna, Ld. Counsel appearing for the Official Respondents, on whom a copy of the O.A. has been served.</p> <p>2. M.A.No. 639/2018 filed for joint prosecution of this case is allowed and disposed of.</p> <p>3. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:</p> <p>“(a) To pass an appropriate order directing upon the respondent authority to regularize the Service of the present applicants who have been discharging their duties and functions in the respondent department with effect from 1993 and if the applicants are regularized, the entire department will be benefited as per the Report of the Superintending Engineer, Investigation Circle, CWC since they have got more than 20 years of experience in different fields of their work:</p> <p>(b) An order do issue directing the respondent nos. 1 and 2 to implement the Report of the 31st Office Council Meeting of Central Water Commission dated 16.03.2017 as well as Order of the Chairman dated 24.04.2017;</p> <p>(c) The respondents be directed to allow the applicants for performing their job in day to day basis as has been done by the applicants since 1993 and to disburse the salary for performing such works so that the applicants can survive in their rest of life along with all consequential monetary benefits.</p> <p>(d) An order holding that denial of benefits of regularization/temporary basis in terms of the DoPT Scheme are bad in law, arbitrary and discriminatory</p> <p>(e) An order directing the respondents to produce/cause production of all relevant records.</p> <p>(f) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper.”</p>



4. In this instant original application applicants pray for permanent absorption in the main establishment and grant of temporary status in terms of the Scheme dated 20th June, 1997 as well as 28th August, 2014 by the Ministry of Water Resources, Govt. of India and further submits that respondent authorities are not considering the Report of the High Power Committee dated 16.03.2017, 12.04.2017 and 19.04.2017 in respect of regularization of service of the applicants in the Central Water Commission against the vacant posts of Skilled Work Assistant of Work Charge Establishment under which the applicants are working since 1990 to till date.

5. Ld. Counsel for the applicants submitted that the applicants have made representations before the Respondent No.5 for grant of temporary status and absorption on 11.06.2018 (Annexure-A/4 series) but that have not yet been considered and are still pending before Respondent No.5 for consideration. Ld. Counsel for the applicant submitted that the grievance of the applicant may be redressed if a specific direction is given to Respondent No.5 to consider the said representations under Annexure-A/4 within a specific time frame.

6. Taking into account the submissions made by Ld. Counsel for the applicant, I do not think that it will be prejudicial to either of the sides if this O.A. is allowed to be disposed of. Accordingly, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No.5 to consider the representations as at Annexure-A/4, if such representations have been preferred and are still pending consideration, keeping in mind Annexure A/3 series and pass a reasoned and speaking order within a period of three months from the date of receipt of copy of this order. I also make it clear that till the representation is considered and result communicated to the applicant, no further coercive action like disengagement will be initiated against the applicant.

7. Although, I have not expressed any opinion on the merit of the matter and all the points raised in the representation, stated to have been made and is still pending consideration before Respondent No.5, will be considered as per Rules and Regulations in force, still then I hope and trust that if after such consideration the applicants are found eligible and entitled to the relief claimed by them then expeditious steps may be taken by the Official Respondents for their regularization within a further period of three months.

8. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

9. As prayed for by Ld. Counsel for the applicant, copy of this order along with paperbook be transmitted to Respondent No.5 by Speed Post for which he undertakes to deposit the cost with the Registry by 03.09.2018.

10. Free copies of this order be handed over to the Ld. Counsels for both the sides.

(A.K. PATNAIK)
MEMBER (J)