



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH, CALCUTTA

APPLICATION UNDER SECTION 19 OF THE

ADMINISTRATIVE TRIBUNAL ACT, 1985

Title of the Case:

M.A. No. 350/00121 of 2017
O.A. No. 350/01299 of 2016

1. Subrata Patra, Son of Late Chakradhar Patra, aged about 41 years, residing at Vill. Ghorar Bari, Post Office - Sahudangi Hat, Police Station - Bhaktinagar, District - Jalpaiguri, Pin - 735135.

2. Nayan Sarkar, son of Manoranjan Sarkar, aged about 44 years, residing at Bhaktinagar (East), Post Office & Police Station - Bhaktinagar, District - Jalpaiguri, Pin - 734007.

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3. Abhimunya Patra, son of Sudhir Patra, aged about 45 years, residing at Vill. Bhutargora, Post Office - Dubrajpur, Police Station - Indpur, District - Bankur, Pin - 722136.
4. Sk. Abdul Hatem, Son of Late Sk. Abdul Kashem, aged about 47 years, residing at Vill. Panchkolguri, Post Office - Sahudangi Hat, Police Station - Bhaktinagar, District - Jalpaiguri, Pin - 735135.
5. Sankar Sarkar, son of Bhupendra Sarkar, aged about 32 years, residing at Sahid Colony, Behind Central Bank, Ward No.35 Post Office & Police Station - Bhaktinagar, District Jalpaiguri, Pin - 734007.
6. Amal Barman, Son of Anil Barman, aged about 54 years, residing at Mazdur Basti (Ram Nagar), Fulbari-I,

Post Office - Sahudangi Hat, Police
Station - Bhaktinagar, District
Jalpaiguri-735135.

7. Bimal Sarkar, Son of Jatin Sarkar,
aged about 43 years, residing at Sahid
Colony, Near Agrani Sangha Club,
Ward No.35 Post Office & Police
Station - Bhaktinagar, District
Jalpaiguri, Pin - 734007.

8. Shaktipada Mishra, Son of Kalicharan
Mishra, aged about 32 years, residing
at Bhaktinagar, Ward No.35, Post
Office & Police Station - Bhaktinagar,
District Jalpaiguri-734007.

9. Suman Sarkar, Son of Late Basudeb
Sarkar, aged about 34 years, residing
at Bhaktinagar, Sahid Colony, Ward
No.35, Post Office & Police Station -
Bhaktinagar, District Jalpaiguri, Pin -
734007.



10. Su~~v~~endu Chakraborty, Son of Late
Sisir Chakraborty, aged about 33
years, residing at Jamurivita, Post
Office - Sahudangi Hat, Police Station
- Bhaktinagar, District - Jalpaiguri-
735135.

11. Bhabesh Basak, Son of Pranesh
Basak, aged about 40 years, residing
at Chaturaganj, Binnaguri, Post Office
- Sahudangi Hat, Police Station -
Bhaktinagar, District - Jalpaiguri, Pin
- 735135.

12. Manoj Kumar Singh, Son of Late Kanu
Singh, aged about 43 years, residing
at Panchkolguri, Post Office -
Sahudangi Hat, Police Station -
Bhaktinagar, District - Jalpaiguri, Pin
- 735135.

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13. Ajay Kumar Roy, Son of Swapan Roy,
aged about 54 years, residing at
Panchkolguri, Post Office - Sahudangi
Hat, Police Station - Bhaktinagar,
District - Jalpaiguri, Pin - 735135.

14. Sanjib Saha, Son of Suresh Saha,
aged about 37 years, residing at
Jamurivita, Post Office - Sahudangi
Hat, Police Station - Bhaktinagar,
District - Jalpaiguri, Pin - 735135.

15. Bapi Duta, Son of Dinabandhu Dutta,
aged about 54 years, residing at
Bhaktinagar (West) Ward No.34, Post
Office & Police Station - Bhaktinagar,
District - Jalpaiguri, Pin - 734007.

16. Nibaran Chandra Saha, Son of Suresh
Saha, aged about 45 years, residing at
Sribas Colony, Fulbari-I, Post Office -



Sahudangi Hat, Police Station -
Bhaktinagar, District - Jalpaiguri, Pin
- 735135.

17. Raju Saha, Son of Jiten Saha, aged
about 29, residing at Bhaktinagar,
Ward No.35, Post Office & Police
Station - Bhaktinagar, District -
Jalpaiguri, Pin - 734007.

18. Tapas Saha, Son of Bhabesh Saha,
aged about 25 years, Panchkolguri,
Post Office - Sahudangi Hat, Police
Station - Bhaktinagar, District -
Jalpaiguri, Pin - 735135.

19. Nabendu Poddar, Son of Nripen
Poddar, aged about 40 years, residing
at Bhaktinagar, Ward No.34, Post
Office & Police Station - Bhaktinagar,
District - Jalpaiguri, Pin - 734007.

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20. Dulal Sarkar, Son of Manoranjan
Sarkar, aged about 41 years, residing
at Bhaktinagar, Ward No.35, Post
Office & Police Station - Bhaktinagar,
District - Jalpaiguri, Pin - 734007.

21. Rupan Sarkar, Son of Manoranjan
Sarkar, aged about 46 years, residing
at Bhaktinagar, Ward No.35, Near
Agrani Sangha, Post Office & Police
Station - Bhaktinagar, District -
Jalpaiguri, Pin - 734007.

22. Tinku Saha, Son of Kamal Saha, aged
about 38 years, residing at
Panchkolguri, Post Office - Sahudangi
Hat, Police Station - Bhaktinagar,
District - Jalpaiguri, Pin - 735135.

23. Subhash Saha, Son of Suresh Saha,
aged about 57 years, Sribas Colony,
Fulbari-I, Post Office - Sahudangi Hat,

Police Station - Bhaktinagar, District -
Jalpaiguri, Pin - 735135.

24. Ranjit Sarkar, Son of Late S. Sarkar,
aged about 55 years, Bhaktinagar,
Ward No.34, Post Office & Police
Station - Bhaktinagar, District -
Jalpaiguri, Pin - 734007.

25. Swapan Patra, Son of Kiriti Bhusan
Patra, aged about 40 years, residing at
Bhutargora, P.O. Dubrajpur, District -
Bankura, Pin - 722136.

26. Gobinda Saha, Son of Late Sunil Saha,
aged about 37 years, residing at
Panchkolguri, Post Office - Sahudangi
Hat, Police Station - Bhaktinagar,
District - Jalpaiguri, Pin - 735135.

27. Badal Patra, Son of Lte Sahadeb Patra,
aged about 46 years, residing at Vill.
Bhutargora, P.O. Dubrajpur, District -
Bankura, Pin - 722136.



28. Gopal Biswas, Son of Jatra Biswas, aged about 52 years, residing at Panchkolguri, Post Office - Sahudangi Hat, Police Station - Bhaktinagar, District - Jalpaiguri, Pin - 735135.

29. Sasadhar Mazumdar, Son of Sudhir Mazumdar, aged about 50 years, residing at Post Office - Sahudangi Hat, Police Station - Bhaktinagar, District - Jalpaiguri, Pin - 735135.

30. Md. So~~U~~kat Ali, Son of Manjur Ali, aged about 52 years, residing at Ambika Nagar, Post Office - Sahudangi Hat, Police Station - Bhaktinagar, District - Jalpaiguri, Pin - 735135.

31. Ajay Saha, Son of Late Amar Chandra Saha, aged about 54 years, residing at Sahid Colony, Bhaktinagar, Ward No.35, Post Office & Police Station -



Bhaktinagar, District - Jalpaiguri, Pin
- 734007.

32. Tapan Sarkar, Son of Purna Sarkar,
aged about 45 years, residing at Vill. &
P.O. Panikauri, P.S. Rajganj, District -
Jalpaiguri, Pin - 735135.

33. Prasenjit Dutta, Son of Gopal Dutta,
aged about 31 years, residing at
Bhaktinagar, Ward No.34, Post Office
& Police Station - Bhaktinagar,
District - Jalpaiguri, Pin - 734007.

34. Dilip Chanda, Son of Late Prafullya
Chanda, aged about 48 years, residing
at Bhaktinagar, Ward No.35, Post
Office & Police Station - Bhaktinagar,
District - Jalpaiguri, Pin - 734007.

35. Tapan Barui, Son of Late Purna
Chandra Barui, aged about 46 years,

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residing at Bhaktinagar, Ward No.35,
Post Office & Police Station -
Bhaktinagar, District - Jalpaiguri, Pin
- 734007.

36. Tarun Sur, Son of Late N.G. Sur, aged
about 50 years, residing at
Bhaktinagar, Ward No.35, Post Office
& Police Station - Bhaktinagar,
District - Jalpaiguri, Pin - 734007.

37. Manab Roy, Son of Hemanta Roy, aged
about 55 years, Panchkolguri, Post
Office - Sahudangi Hat, Police Station
- Bhaktinagar, District - Jalpaiguri,
Pin - 735135.

38. Ananda Das, Son of Mana Das, aged
about 45 years, residing at
Bhaktinagar, Dabgram, P.S.
Bhaktinagar, Dist. Jalpaiguri.

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39. Prahalad Chakraborti, Son of Bidesh Chakraborti, aged about 51 years, residing at Panchkolguri, Fulbari-I, Post Office - Sahudangi Hat, Police Station - Bhaktinagar, District - Jalpaiguri, Pin - 735135.

All being members of Railway Commission Vendors Helper at NJP Railway Station and all the Applicants are working for gain as Commission Vendor Helpers under The Chief Commercial Manager of North East Frontier Railway at New Jalpaiguri Station, Pin - 734005.

... Applicants

-Versus-

1. Union of India, represented through The General Manager, North East Frontier Railway, Maligaon, Guwahati, Assam, Pin-780011.



2. The Chief Personnel Officer, North East Frontier Railway, Maligaon, Guwahati, Assam, Pin-780011.
3. The Divisional Railway Manager, North East Frontier Railway, Katihar Division, Bihar, Pin-854105.
4. Senior Divisional Commercial Manager, North East Frontier Railway, Katihar Division, Bihar, Pin-854105.
5. Area Railway Manager, New Jalpaiguri Station, North East Frontier Railway, N.J.P., Siliguri, Pin-734005.

... Respondents



No. O.A. 350/01299/2016
M.A. 350/00121/2017

Date of order: 26.10.2017

Present: Hon'ble Mr. A.K. Pattnaik, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

For the Applicant : Mr. B. Chatterjee, Counsel

For the Respondents : Mr. A.K. Banerjee, Counsel

O R D E R (Oral)

A.K. Pattnaik, Judicial Member:

Heard Mr. B. Chatterjee, Ld. Counsel for the applicant and Mr. A.K. Banerjee, Ld. Counsel for the official respondents.

2. The M.A. No. 350/00121/2017 filed for joint prosecution is allowed.

3. This OA has been filed by 39 applicants challenging inaction, and/or non-action on the part of the respondents of Railway by not regularizing and/or absorbing their services, non-consideration of representation dated 2.7.2016 and also non-consideration of the solemn Order dated 19.12.2012 passed by this Tribunal in O.A. No. 1665 of 2010 dated 28.7.2015. This O.A. has been filed praying for the following reliefs:

"(a) An order granting leave to the applicants under Rule 4(5)(a) of the Central Administrative Tribunals (Procedure) Rules, 1987 to move this application jointly;

(b) An order do issue directing the respondents to absorb the applicants against Group "D" posts of the Railways, forthwith, in view of the Railway Board Circular and the settle principles of law including the order passed in O.A. No. 1665 of 2010;

(c) An order do issue allowing the applicants to prefer a comprehensive representation before the respondent authority in terms of the solemn order dated 19.12.2012 passed in O.A. No. 1665 of 2010 by this Hon'ble Tribunal and further directing the respondent authority to dispose of the same in accordance to the settled principles of law;

(d) An order do issue directing the respondent authorities to produce the records forming the basis of non-grant of absorption to the applicants;

(e) Costs incidental to and arising out of this application;

(f) Any other order or further order or orders as to this Hon'ble Tribunal may seem fit and proper."

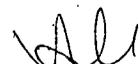
4. The facts in a nut shell as per Mr. Chatterjee, Ld. Counsel for the

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applicant are that the applicants are working as Commission Vendors Helpers at New Jalpaiguri Railway Station since they were engaged by Commission Vendors upon due clearance of the respondent authorities. In terms of Railway Board's Circular in the year 2005 the Commission Vendors have been absorbed under Gr. 'D' category of the respondent authority and since then the Commission Vendors Helpers are running and operating the food stalls at New Jalpaiguri Railway Station as Vendor under the authority of Chief Commercial Manager, N.F. Railway. The Commission Vendors during the course of their engagement have been issued identity cards, travel passes, electric meters and also have further undergone medical examination in respect of their engagement as Commission Vendors Helpers at New Jalpaiguri Railway Station. Further the respondent authorities have also issued food safety certificates in respect of the Commission Vendors Helper by the concerned Food Safety Officer of the respondents from time to time. Suddenly during the year 2014 the respondent authorities have initiated measures to evict the Commission Vendors Helper from their respective food stalls. The Commission Vendors Helpers preferred several representations, which is still pending consideration.

5. Mr. Chatterjee, Ld. Counsel for the applicants submitted that the grievance of the applicants would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 1 to dispose of the representation dated 26.8.2010 within a specific time frame.

6. Therefore, we dispose of this O.A. by directing the respondent No. 1 that, if any, such representation as claimed by the applicants has been preferred on 26.8.2010 and the same is still pending consideration, then the



same may be considered and disposed of within a period of six weeks from the date of receipt of this order.

7. Though we have not entered into the merits of the case still then we hope and trust that after such consideration if the applicants' grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 1 within a further period of 6 weeks from the date of such consideration to extend those benefits to the applicant. However, if in the meantime the said representation stated to have been preferred on 26.8.2010 has already been disposed of then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

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

9. As prayed for by Mr. Chatterjee, I d. Counsel a copy of this order along with paper book be transmitted to the respondent No. 1 by speed post for which Mr. Chatterjee undertakes to deposit necessary cost in the Registry by the next week.

(Dr. Nandita Chatterjee)
Administrative Member

(A.K. Pattnaik)
Judicial Member

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