

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 3501622/2017
M.A. 350/902/2017

Date of Order: 04.05.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member

Avinandan Chatterjee & 2 Others,
All are Junior Works Manager,
Metal and Steel Factory, Ishapore,
Pin- 743 144.

.....Applicant.

-versus-

1. Union of India, service through Secretary,
Department of Defence Production, Ministry
Of Defence, Government of India, 136, South
Block, New Delhi- 110 101.
2. Secretary, Ordnance Factory Board, Ayudh
Bhawan 10-A, S.K. Bose Road, Kolkata-
700 001
3. General Manager, Metal and Steel Factory,
Ishapore, 24 Parganas (North), Pin- 743 144,
West Bengal.

.....Respondents.

For the Applicant : Mr. S. Basu, Counsel

For the Respondents : Ms. D. Nag, Counsel

ORDER (Oral)

Per Ms. Manjula Das, Judicial Member:

The applicant has approached before this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“8(a) Leave may be granted under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 permitting the applicants herein to join together and file a single application having regard to the cause and the nature of relief prayed for that they have a common in interest in the matter;

(b) To declare that the Notification F. No. 5/7/2003-ECB & PR, issued by the Ministry of Finance (Department of Economic

Affairs)(ECB & PR Division), vide Notification New Delhi, the 22nd December 2003 published in Gazette of India, Extraordinary Part- I Section-I, is by executive fiat and seeks to override the statutory provisions of the Pension Act, 1871 since no being framed under the enactment and;

(c) To hold and pass an order that the recruitment of the applicants herein were to substantive posts that had arisen prior to 01.01.2004 lastly in the year 2003 and as a consequence thereof the applicants were entitled to similar reliefs of coming within the purview of Central Civil Services (Pension) Rules, 1972 in consonance to the judicial pronouncement dated 15th day of February 2016 made by the Learned Central Administrative Tribunal, Ernakulam Bench, Ernakulam, in Original Application No. 180/00020/2015 [In re:Sheeba B & Another vs. Union of India & Others];

(d) Costs;

(e) Such further order or orders, direction/directions as this Learned Tribunal may deem fit and proper in accordance with law.”

2. Heard ld. counsel for both the parties, perused the pleadings and materials placed before me.

3.

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7. In view of above, I am of the opinion that the present OA is pre-mature.

Accordingly, the OA is dismissed in limine.

8. Consequently, the MA is also dismissed.

9. There will be no order as to costs.



(Manjula Das)
Member (J)

pd

