

28/9

LIBRARY

(Dandan Das
Adni)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

Original Application No. 1626/2016

Between

Sri Chandan Das..... Applicant

Vs

Union of India & Others..... Respondents

DETAILS OF THE APPLICANTS :

Sri Chandan Das, son of Late Ajit Kumar Das, aged about 56 years, working as "CELL FITTER - II" in the Train Lighting Wing under Sr. Section Engineer / Electric / Train Lighting / Sealdah in the Electric (G) Department residing at 16, Baithak' Khana Second Lane, Sealdah, Kolkata - 700 009.

1. Union of India / through the = Versus =
General Manager, Eastern Railway, 17, Netaji Subhas Road, Kali - 700001.
- 2) Directorate of Public Grievances, Cabinet Secretariat, Government of India, Sardar Patel Bhavan, Sansad Marg, New Delhi - 110 001.
- 3) The Secretary, Ministry of Railways, Government of India
Railway Bhavan, Raisina Road, New Delhi - 110 001.
- 4) The General Manager, Eastern Railway
17, Netaji Subhas Road, Kolkata - 700 001.
- 5) The Chief Personnel Officer, Eastern Railway
17, Netaji Subhas Road, Kolkata - 700 001.
- 6) The Divisional Railway Manager, E. Railway, Sealdah Division, Kaizer Street, Kolkata - 700 014.

Chandan Das

W.L.

Danabir Banerjee
Advi.

2

6) The Sr. Divisional Finance Manager, E. Railway, Sealdah Division, Kaizer Street, Kolkata – 700 014.

7) The Sr. Divisional Personnel Officer, E. Railway, Sealdah Division, Kaizer Street, Kolkata – 700 014.

8) The Sr. Divisional Commercial Manager, E. Railway, Sealdah Division, Kaizer Street, Kolkata – 700 014.

9) The Sr. Divisional Electrical Engineer (G), E. Railway, Sealdah Division, Kaizer Street, Kolkata – 700 014.

10) The Sr. Divisional Mechanical Engineer (C&W), E. Railway, Sealdah Division, Kaizer Street – 700 014.

ALL
TUNAL
al,
on
ile

he

riod

ecial

king

oor)

or)/

No. O.A. 350/01626/2016

Date of order: 28.4.2017

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

For the Applicant : Mr. G. Purakasto, Counsel

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

ORDER (Oral)

A.K. Patnaik, Judicial Member:

Heard Mr. G. Purakasto, Ld. Counsel appearing for the applicant and Mr. A.K. Banerjee, Ld. Counsel appearing for the respondents.

2. This OA has been filed by Sri Chandan Das, working as "Cell Fitter-II" in the Train Lighting Wing under Sr. Section Engineer/Electric/Train Lighting/Sealdah non-compliance of the order and/or directions given by this Tribunal dated 3.10.1986 and 31.7.1990 with respect to granting benefits to Temporary Employees with fixation of Grade Pay & Pay Scale including regularization of Service in Gr. 'C' w.e.f. 22.4.1991. This O.A. has been filed praying for the following reliefs:

"A) An order do issue directing the Respondent Authorities to extend the benefits of Temporary Employees under the Railways, such as, leave facility (LAPs and Medical leaves) which are extended to other employees of the Railways, to the applicant with effect from 3rd October, 1986, in the Commercial Department (Ticket Checking Wing, Eastern Railway / Sealdah)

B) An order do issue directing the Respondent Authorities to extend the pay scale at par with other Temporary Employees of Group 'D' of the Railways, to the applicants with effect from 3rd October, 1986 in the Commercial Department, Ticket Checking wing, Eastern Railway, Sealdah.

C) An order do issue directing the Respondents Authorities to prepare a scheme of regularizing the services of the applicant in the light of the Judgment daily rated Casual Labour employed under P & T Department, through Bharatiya Dak-Tar Mazdoor Manch Vs. Union of India & Ors. Reported in A.I.R 1987 – Supreme Court 2342 with effect from 22nd April, 1991, with the pay scale of Rs. 950 – 1500/- the Commercial Department, Ticket Checking Wing, Eastern Railway, Sealdah."

3. The facts in a nut shell as per Mr. Purakasto are that the applicant has



been employed as a Special Ticket Collector/TTE Helper in the Sealdah Division to assess the Ticket Checking staff appointed by the authorities of Eastern Railway and posted at Head TC (Indoor)/Sealdah, presently known as Chief Inspector Tickets (Indoor)/ Sealdah. Thereafter the DRM issued an office Memo No. C/BSS/TC/86 dated 31.1.1986 withdrawing such Volunteers Ticket Checking Staffs from service. The applicant challenged the said order before this Tribunal and this Tribunal directed the applicant to join his duties. The respondents in this regard have also filed an SLP which was subsequently dismissed. He preferred a representations, which is still pending consideration.

4. Mr. Purakasto, Ld. Counsel for the applicant submitted that the applicant wants to make a comprehensive representation to the respondent Nos. 7 and 8 enclosing certain judgments as well as orders and relevant documents within a period of 7 days from the date of receipt of a copy of this order and further stated that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent Nos. 7 & 8 to dispose of the said representation within a specific time frame.

5. Though no notice has been issued still then we think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent Nos. 7 & 8, that if any such comprehensive representation is preferred within a period of 7 days from the date of receipt of a copy of this order, then it may be considered and disposed of by way of a well-reasoned order within a period of one months from the date of receipt of such representation under communication to the applicant and if after such consideration, the applicant's grievance is found to be genuine, then expeditious steps may be taken within a further period of three months from



the date of such consideration to extend such benefits to the applicant.

6. We make it clear that we have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force.

7. The applicant is also at liberty to annex copy of this order along with the representation.

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

(Jaya Das Gupta)
Administrative Member

(A.K. Patnaik)
Judicial Member

SP