

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

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No.O.A.350/01718/2015

Date of order :21.06.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

CHANDAN DAS  
VS.  
UNION OF INDIA & ORS.  
(E. RLY.)

For the applicant : Mr. T. Goswami, counsel  
For the respondents : None

ORDER

Per Justice V.C. Gupta, J.M.

Mr. T. Goswami, Id. counsel for the applicant submits that this O.A. has been filed by the applicant for extension of the benefit of the judgment of this Tribunal dated 03.10.1986 passed in O.A.131/1986 along with some other cases though he was not a party to those proceedings. According to the applicant, it is a judgment in rem, so, he should be given the same benefits.

2. In this O.A. the applicant has prayed 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, pass facility, quarter facility and weekly rest day, which are extended to other employees of the Railways, to the applicant with effect from 3<sup>rd</sup> October, 1986;

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 3<sup>rd</sup> October, 1986;

c) An order do issue directing the Respondent authorities to prepare a scheme for regularizing the services of the Applicants in the light of the Judgment daily rated Casual Labour employed under P&T Department through Bharatiya Dack Tar Mazdoor Manch Vs. Union of India & Ors. Reported in A.I.R. 1987- Supreme Court – 2342 with effect from 22<sup>nd</sup> April, 1991."

3. A Supplementary Affidavit has been filed by the applicant wherefrom it reveals that the applicant, Sri Chandan Das has been given the benefit of regularization against an unreserved vacancy vide order dated 23.12.2015(Annexure A/17 to the Supplementary Affidavit). The applicant, Chandan Das succeeded in the test and was promoted to the post of Cell Fitter Gr.II as is evident from the order dated 18.01.2016(Annexure A/18 to the Supplementary Affidavit). Accordingly pay fixation was made and vide order dated 07.04.2016 the applicant's basic pay was fixed at Rs.11130/- (G.P.Rs.1900/-). The order dated 07.04.2016 has been annexed with the Supplementary Affidavit as Annexure A/19. The benefit of promotion given to the applicant, Chandan Das was subsequently considered for upgradation and he was placed in the pay of Rs.12580/- as on 01.07.2016 instead of Rs.11220/- w.e.f. 18.01.2016 to 30.06.2016.

4. From the perusal of the Supplementary Affidavit filed by the applicant it appears that all the benefits the applicant sought in the present O.A. have already been granted to him.

5. We have heard the learned counsel for the parties. The adjournment has been sought by proxy counsel on behalf of counsel for the respondents on the ground that she is unwell.

6. The learned counsel submits that still the applicant has not been placed at appropriate place.

7. The question of seniority which has not yet been decided according to the Id. counsel for the applicant, is a separate issue.

8. In view of the reliefs claimed by the applicant in this case, this O.A. has become infructuous. Accordingly the O.A. is finally disposed of.



However, if the applicant is not satisfied with the benefits granted by the department, he may approach the appropriate forum for fresh proceedings.

(Jaya Das Gupta)  
Administrative Member

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(Justice V.C. Gupta)  
Judicial Member