

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

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No. O.A. 350/01827/2015

Date of order : 14.12.2015

Present : Hon'ble Mr. Justice G. Rajasuria, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

ALOK KR. BANERJEE & ORS.

VS.

UNION OF INDIA & ORS. (E. Railway)

For the Applicant : Sardar A. Ali, Counsel

For the Respondents : Ms. C. Mukherjee, Counsel.

ORDER (Oral)

Per Mr. Justice G. Rajasuria, Judicial Member:

Heard both.

2. This O.A. has been filed seeking the following reliefs:-

"a) For an order upon the respondents to confer seniority with retrospective effect to the applicants from the date their respective juniors were promoted in terms of the principles and directions laid down in the judgement and order dated 14th May, 2008, made in WPCT No. 697 of 2007 by their Lordships the Hon'ble Justice Sengupta and the Hon'ble Justice Mandal, subsequently followed in the case of the applicants in O.A. No. 122 of 2002;

b) Any other consequential relief in addition to the relief sought for in prayer (a) above;

c) Leave may kindly be granted to the applicants to move this application jointly in common cause under Section 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1985."

3. The Ld. Counsel for the applicant would echo the *Cri de Coeur* of his client

to the effect that similarly circumstanced persons were given the benefit of the judgment of Hon'ble Calcutta High Court in WPCT No. 697 of 2007 dated 14.5.2008; even though the applicants are entitled to the same relief as contemplated in the cited judgment it is not extended to them because they were not applicants therein.

4. The Ld. Counsel for the respondents would submit that if time is given a detailed reply would be filed.

5. On hearing both, the picture that conjures up in our mind is that these applicants were not applicants in the previous proceedings which spiraled up to the Hon'ble High Court of Calcutta in WPCT No. 697 of 2007. Hence, we are of the view that without deciding the matter on merits, the respondent authorities concerned shall consider as to whether the applicants herein are similarly circumstanced as the ones who got the benefit of the judgment of the Hon'ble High Court cited supra and if so the same shall be considered and a speaking order may be issued within a period of two months from the date of receipt of a copy of this order.

6. The O.A. is, accordingly, disposed of. No costs.

(Jaya Das Gupta)
MEMBER(A)

(G. Rajasuria)
MEMBER(J)

SP