

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 171 of 2017.


Sri Gobinda Chandra Dey,
son of Late Madan Mohan Dey, by
occupation - worked as Approved
Substitute, residing at Bharat
Kumdebpur, P.O. Chokini, P.S. -
Magrahat, Dist. 24-parganas (South),
Pin no.: 743 601.

..... Applicant.

-Versus-

1. Union of India, service through
the General Manager, Eastern Railway
17, N.S. Road, Kolkata-700 001.
2. The Divisional Railway Manager
Eastern Railway, Sealdah Division,
Kolkata - 700 014.
3. The Sr. Divisional Personnel
Officer, Eastern Railway, Sealdah
Division, Kolkata-700 014.

Contd. ..2



- :: 2 :: -

A. The Sec. Division of Finance and
Eastern Railway, Sealdah Division
Kolkata - 700 014.

..... Respondents



No. O.A. 350/00171/2017

Date of order: 15.9.2017

Present : Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Mr. S.K. Das, Counsel

ORDER (Oral)

Manjula Das, Judicial Member:

Mr. N. Roy, Ld. Counsel for the applicant and Mr. S.K. Das, Ld. Counsel for the respondents.

2. The present case relates to a direction upon the respondents to give settlement dues forthwith.

3. Mr. N. Roy, Ld. Counsel appearing on behalf of the applicant submits that the applicant is aggrieved due to the fact that the applicant made a representation to the authority concerned for regularisation and all consequential benefits but the respondent authorities have neither given consequential benefits nor have regularized the applicant till date.

4. However, Mr. S.K. Das, Ld. Counsel appearing on behalf of the respondents vehemently objected and argued that the applicant had earlier approached before this Tribunal vide O.A. No. 253/2016 for regularisation of his service wherein this Tribunal had directed the respondents to dispose of his representation. In compliance to the said order passed in O.A. No. 253/2016, the respondent authorities passed a speaking order on 1.11.2016 stating that there is hardly any scope of regularisation of the service of the applicant and that his prayer for regularisation is not tenable. According to the Ld. Counsel, the order has been intimated to the applicant. However, he has not challenged the said speaking order dated 1.11.2016. Thus the present O.A. is not maintainable.

5. Heard the Ld. Counsel for the applicant and perused the materials



placed before us. From the papers and documents furnished by the Ld. Counsel for the respondents dated 1.11.2016, which is a speaking order passed by the respondent authority, it appears that the department has already viewed that there is hardly any scope of regularisation of service of the applicant and the prayer for regularisation is not tenable.

6. In our view, if the regularisation is not acceded to by the respondent authorities, the consequential benefits as sought for in the present case is not maintainable.

7. Accordingly, we grant liberty to the applicant to file a fresh application by challenging the speaking order dated 1.11.2016, if so desired. The applicant may file an O.A. to redress his grievances.

8. In view of the above, the present case is closed. No order as to costs.

9. Copy of the speaking order dated 1.11.2016 shall be kept on record.

(Dr. Nandita Chatterjee)
Administrative Member

(Manjula Das)
Judicial Member

SP