

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. O.A. 350/228/2017
M.A. 350/111/2017

Date of Order: 08.06.2018

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

1. Prabir Kumar Basu, son of late Prabhat Kumar Basu, aged about 63 years, worked as Office Superintendent under the Sr. D.P.O. Sealdah Division, Eastern Railway and residing at 223, Sarat Bose Road, Subhas Nagar, DumDum Cantonment, Kolkata- 700065 and residing at 65/36/0, Firingidanga Road, P.O. Mullickpara, P.S. Serampore, District- Hoogly, Pin- 712303.

2. Pankoj Kumar Saha, son of late Prafulla Kumar Saha, aged about 62 years, worked at Office Superintendent under Sr. D.P.O., Sealdah Eastern Railway, and present residing at P/A, Ramkrishna Paramangsha Deb Road, Dakshineswar, Kolkata- 700035.



.....Applicants.

-VS-

1. Union of India through the General Manager, Eastern Railway, 17, N.S. Road, Kolkata- 700001.
2. The Chief Personnel Officer, Eastern Railway, 17, N.S. Road, Kolkata- 700001.
3. The Divisional Railway Manager, Sealdah Division, Eastern Railway, Kaizer Street, Sealdah, Kolkata- 700014.
4. The Senior Divisional Personnel Officer, Sealdah Division, Eastern Railway, Kaizer Street, Sealdah Kolkata- 700014.

.....Respondents.

For the Applicant : Mr. K. Sarkar, Counsel

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

ORDER (Oral)

Per Ms. Manjula Das, Judicial Member:

Heard Id. Counsel for both the parties.

2. The applicants have approached before this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

"8(i) Leave may be granted to file this application jointly under Rule 4(5)(a) of the CAT Procedure Rule, 1987.

(ii) to grant leave to the applicants to file this joint application in terms of Rule 4(5)(a) of the Administrative Tribunal (Procedure) Rules, 1987;

(iii) to direct the respondents to grant proforma fixation of pay to the applicants w.e.f. 10.01.82 as Senior Clerk and thereafter as Head Clerk w.e.f. 13.01.82 and to pay consequential reliefs thereof after giving proforma fixation of pay;

(iv) to direct the respondents to refix the pension of the applicants after fixing the proforma fixation of pay as pay as prayed for in prayer (ii) above;

(v) to direct the respondents to extend all the service benefits including promotion, MACP benefits and other benefits after granting proforma fixation of pay to the applicants;

(vi) to direct the respondents to extend the benefit of judgment and order dated 16.01.2012 passed in M.A. No. 411 of 2011 and O.A. No. 553 of 2011 by this Hon'ble Tribunal in the matter of Sukumar Chakraborty vs. Union of India & Ors. And order dated 26.9.2013 passed in O.A. No. 1201 of 2013 in the matter of Swadesh Priya Bandyopadhyaya vs. Union of India & Ors.. By this Hon'ble Tribunal to the applicants, as they were similarly circumstanced employees in terms of the recasted seniority list dated 01/02.06.2010; as contained in Annexure "A7" and "A9" respectively herein;

(vii) to direct the respondents to deal with and/or dispose of the representations of the applicants as contained in Annexure "A8" herein;

(viii) to direct the respondents to produce the entire records of the case before this Hon'ble Tribunal for adjudication of the issues involved herein;

(ix) And to pass such further order or orders as to this Hon'ble Tribunal may deem fit and proper;"

3. Ld. Counsel for applicants submit that presently the applicants will be satisfied if a direction is given to them to file a comprehensive representation before the appropriate authority and respondents be directed to consider and dispose of the same within a time frame.

4. By accepting the prayer of the Id. Counsel for the applicants and without going into the merits of the case, I hereby dispose of the OA by directing the applicants to make a comprehensive representation by making all his grievances before the competent authority within a period of 15 days from the date of receipt of the order. On receipt of such representation the respondent authority shall dispose of the same within a period of 14 weeks thereafter.

5. It is made clear that the decision so arrived shall be reasoned and speaking and shall be communicated to the applicant forthwith.

6. With the above observations and directions, the OA stands disposed of.

7. Consequently, MA also stands disposed of.

8. No costs.

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(Manjula Das)
Member (J)

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