

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

No. O.A. 350/283/2018
M.A. 350/151/2018
M.A. 350/150/2018

Date of Order: 27.02.2018

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

1. Sri Mukul Sarkar, son of late Bibhuti Bhushan Sarkar, aged about 55 years, Working as Approved Substitute under Operating/Traffic Department, S.S. Sealdah, residing at Ichhapore Bidhan Pally, 24 Parganas (N), P.S. and P.O. Noapara, Pin- 743144.
2. Sri Uttam Kumar Dutta, son of late Sri Hira Lal Dutta, aged about 52 years, Residing at 6/C, Rani Rashmoni Garden Lane, P.O. and P.S. Tangra, Kolkata- 700015, working as Approved Substitute Under Operating Traffic Department, S.S. Sealdah.

.....Applicants.

1. Union of India, service through the General Manager, Eastern Railway, 17, N.S. Railway, Kolkata- 700001.
2. The Divisional Railway Manager, Eastern Railway, Adra Division, Kolkata- 700014.
3. The Senior Divisional Personnel Officer, Eastern Railway, Sealdah Division, Sealdah, Kolkata- 700014.
4. The Station Supervisor, Eastern Railway, Sealdah Division, Sealdah, Kolkata- 700014.

..... Respondents.

For the Applicant : Mr. K. Sarkar, Counsel

For the Respondents : Ms. C. Mukherjee, Counsel

ORDER (Oral)

Per Ms. Manjula Das, Judicial Member:

Heard Mr. K. Sarkar, learned counsel for applicant and Ms. C. Mukherjee, learned counsel for respondents.

2. Both the applicants filed M.A. 350/151/2018 praying for permission to move jointly under Section 4(5)(a) of the Administrative Tribunals (Procedure) Rules, 1987 as both the applicants having similar cause of action and similar interest. Permission is granted to move this petition jointly.

3. Hence, MA. 350/151/2018 stands disposed of.

4. MA. 350/150/2018 filed by the applicants makes prayer for condoning the delay, if any, for making this OA by citing that the applicants continuously served since 1985, however, their services are not regularized.

5. By accepting the submission made by the Id. Counsel for applicant, the prayer for condoning the delay, if any, is condoned.

6. Therefore, MA. 350/150/2018 is also disposed of.

7. Being aggrieved for non-regularization of the service of the applicants both approached before this Tribunal under Section 19 of the Administrative Tribunals Act, 1885.

8. The brief facts of the case as narrated by the Id. Counsel for the applicant is that the applicants are aggrieved due to the fact that since 1985 they were working in the Railways without any regularization or absorption and final posting and for the last 18 years they are awaiting after completion of screening process. The applicants made several representations before the respondent authorities but till now they have not been granted regularization. Hence, this application before this Tribunal.



9. 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 relying on the decision of **Secretary, State of Karnataka and Others vs. Uma Devi (3) and Others 2006(4) SCC 1** and the respondents be directed to consider and dispose of the same within a time frame.

10. By accepting the prayer made by the Ld. Counsel for the applicants and without going into the merits of the case, we hereby dispose of the OA by directing the applicants to make a comprehensive representation before the competent authority within a period of one month from the date of receipt of the order. On receipt of such representation the respondent authority shall dispose of the same in the light of the decision of **Uma Devi(supra)**, within a period of three month thereafter by passing a reasoned and speaking order. The decision so arrived shall be communicated to the applicants forthwith.

11. With the above observations and directions, OA stands disposed of. No order as to costs.

(Dr. Nandita Chatterjee)

Member (A)

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(Manjula Das)

Member (J)

