

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH



No. OA. 350/387/2017

Date of Order: 20.12.2017

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

1. Ashok Kumar Mukherjee, son of late Mohendra Nath Mukherjee, residing at Dhania Para Road, Barrackpore, P.O. Nona Chandanapukur, Dist- 24 Parganas (N).
2. Ashim Kumar Roy, son of late M M Dey Village- Arobinda Pally, P.O. Dattapukur, District- 24 Parganas (N).
3. Avijit Ghosh, son of late Jibon Ghosh residing at 38A, Pranick Sarani, P.O. Rabindranagar, Kolkata- 700065.
4. Debasish Banerjee, son of late Chand Sekhar Banerjee, residing at 106, Bansdroni Place, Kolkata- 700071.

All the above applicants are working as to the post of Assistant Draftsman redesignated as Junior Engineer with effect from 1990 under the Chief Administrative Officer (Construction), Eastern Railway, 14, Stand Road, 4<sup>th</sup> floor, Calcutta- 700001.

.....Applicants.

-versus-

1. The Union of India through the General Manager, Eastern Railway, 17, N.S. Road, Fairlie Place, Calcutta-700001.
2. The Chief Personnel Officer, Eastern Railway, 17, N.S. Road, Fairlie Place, Calcutta- 700001.

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3. The Chief Engineer, (S&C), Construction Department, Eastern Railway, 17, N.S. Road, Fairlie Place, Calcutta- 700001.
4. The Chief Administrative Officer (Construction) Eastern Railway, 14, Stand Road, 4<sup>th</sup> floor, Kolkata- 700001.

.....Respondents.

For the Applicant : Mr. PC Das, Counsel

For the Respondents : Mr. AK Banerjee, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

Heard Mr. PC Das, learned counsel for applicants and Mr. AK Banerjee, learned counsel for respondents.

2. The applicants submitted the case at length stating that the applicants has sought the following reliefs:

"8(a) A leave be granted to move one application jointly under rule 4(5)(a) of the Central Administrative Tribunal Procure Rules, 1987 as the grievances of the applications are same and they are similarly circumstances persons.

(b) To pass an appropriate order directing upon the respondent authority to regularise the services of the present applicant to the post of Assistant Draftsman with effect from 1990 subsequently redesignated as Junior Engineer with effect from 01.01.2006 against which your applicants discharging the duties and function to the post of ADM with effect from 1990 subsequently redesignated as Junior Engineer of last 27 years and your applicants after being declared successful in the departmental selection process promoted the post of ADM with effect from 31.08.1990 being Annexure A-6 of this O.A.

(c) To pass an appropriate order directing upon the respondent authority to take immediate steps to regularise the present applicants to the post of ADM/JE along with all consequential benefits."

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3. Learned counsel for applicants draws our attention to the representation dated 02.11.2000 followed by reminder dated 29.03.2006 and 20.04.2010 as annexed as Annexure A-5 and A-8 of the OA addressed to the Chief Administrative Officer/Con, Eastern Railway, Kolkata, that is Respondent No. 4.

4. Learned counsel for respondents is also heard who argued that the prayer of regularization is objected to on grounds of extant Rules and Regulations of the respondent authorities.

5. Having heard both the counsel and without going into the merits of the case, we hereby direct the Respondent No. 4, who is the Chief Administrative Officer/Con, Eastern Railway, Kolkata, to dispose of the representation, if received, within a period of 6 weeks from the date of this order.

6. It is needless to mention that while disposing the same, the Respondent No. 4 shall refer to extant Rules and Regulations, as applicable to the Respondent authority and shall pass a reasoned and speaking order which should be communicated to the applicant immediately after deciding upon the same.

In case a favourable decision is arrived at, consequential benefits, if any, be released within 12 weeks of such decision.

7. Accordingly, OA is disposed of. No costs.



(Dr. Nandita Chatterjee)

Member (A)



(Manjula Das)

Member (J)

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