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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CALCUTTA BENCH

Application under Section 19 of the Administrative Tribunal Act, 1985.

O.A. No. 350/394 of 2016

Tapan Kumar Bose, son of Late
Nirod Ranjan Bose, residing at 44,
Khetra Mitra Lane, Salkia, District :
Howrah, PIN - 711106.

... Applicant

Versus

1. Union of India, through the
General Manager, S.E. Railway,
Garden Reach, Calcutta - 700043.
2. The Divisional Railway
Manager, S.E. Railway, Kharagpur,
District - West Midnapore, PIN -
721301.
3. The Sr. Divisional Engineer
(East), S.E. Railway, Kharagpur,
District - West Midnapore, PIN -
721301.

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4. The Sr. Divisional Personnel
Officer, S.E. Railway, Kharagpur,
District - West Midnapore, PIN -
721301.

...Respondents.

WQ

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A /350/394/ 2016

Date of order: 16/4/2018

Coram : Hon'ble Mr. A. K. Patnaik, Judicial Member

For the applicant : Mr. A.K. Banerjee, counsel
Mr. P. Sanyal, counsel

For the respondents : Mr. B.P. Manna, counsel

ORDER

Mr.A. K. Patnaik , Judicial Member

The applicant has filed this OA seeking the following reliefs:-

- "(a) An order directing the Respondents to regularize the service of the applicant with effect from 01/06/1977 instead of 9/04/1997 following the order and judgment dated 16/05/2011 rendered by the Hon'ble High Court in WPCT No. 106 of 2008 and WPCT No. 175 of 2008 (being Annexure-A/4 to the OA);
- (b) An order directing the respondents authorities to grant full pensionary benefit by taking into account regular service of the applicant from 01/06/1977 and to release the revised pensionary benefit and the balance gratuity money along with arrears and other consequential benefits.
- (c) An order directing the respondents to pay admissible rate of interest to your applicant for delayed payment of retiral dues."
2. Respondents filed their counter contesting the case of the Applicant and the Applicant has also filed rejoinder, details of which will be dealt into, if necessary, appropriately.
3. Heard the respective parties and perused the records.
4. The second prayer of the applicant is for a direction to the respondents to grant full pensionary benefit by taking into account the regular service of the applicant w.e.f. 01/06/1977 and to release the



revised pensionary benefit and the balance gratuity money along with arrears and other consequential benefits which is consequential to the prayer made at (a) above inasmuch as direction to the Respondents to regularize the service of the applicant with effect from 01/06/1977 instead of 09/04/1997 following the order and judgment dated 16/05/2011 rendered by the Hon'ble High Court in WPCT No. 106 of 2008 and WPCT No. 175 of 2008 (being Annexure-A/4 to the OA).

5. It is evident from the record that WPCT Nos. 106 of 2008 filed by the Applicant and WPCT No. 175 of 2008 was filed by the Respondent-Department against the order of this Bench dated 08/02/2008 in OA No. 187 of 2007 in which it was held that the applicant is deemed to have been regularized w.e.f. 09/04/1997 and consequential benefits including pension shall be paid to the Applicant accordingly and the Hon'ble High Court of Calcutta did not find any illegality in the direction to regularize the applicant from the date of the circular. The order of the Hon'ble High Court has also been upheld by the Hon'ble Apex Court vide order dated 09/09/2013 in CC No. 15471/2013. Therefore, allowing the relief as sought for by the applicant would tantamount to reviewing the earlier order of this Bench which was upheld by the Hon'ble High Court of Calcutta and Hon'ble Apex Court.

6. Hence this OA stands dismissed by leaving the parties to bear their own costs.

(A.K.Pattanaik)
Member (Judicial)