

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH, KOLKATA

O. A. No. 350/406/2016

PARTICULAR OF THE APPLICANTS:

- (1) Deb Kumar Chakraborty, son of Late Bsudev Chakraborty, aged about 62 years, residing at Boral Mali Para (Near Bapi Bakery), P.O. Boral, Kolkata-700154.
- (2) Alope Kumar Das, son of Late Debendra Nath Das, aged about 62 years, residing at 14/1, Olabibi Tala Lane, Shibpur, Howrah 711102
- (3) Sankar Bhaduri, son of late Narendralal Bhaduri, aged about 62 years, residing at 14, B. M. Roy Road, P.O. - Barisha, Kolkata 700 008
- (4) Kebal Chandra Ghosh, son of Sri Praban Chandra Ghosh, aged about 62 years, residing at 12/6, Sukalyan Apartment, Kolkata 700 094, Nayabad Avenue, Panchasayer.
- (5) Ram Saran Sah, son of Late Gaya Sah, aged about 62 years, residing at Village Oria Para Road, P.O. - Garulia, District - 24 Parganas (North), Pin code 743133.
- (6) Sita Ram Rai, son of late Kishnu Rai, aged about 63 years, residing at Village & P.O. - Kajapakar, District - Baishali, Pachhiari Tola Pokhripar.
- (7) Swapan Biswas, son of late Sudhir Biswas, aged about 66 years, residing at Ukil Para (Panchantala), Baruipur, 24 Paraganas (South) Pin code 700 144
- (8) Sanjit Kumar Sarkar, Late Monindra Chandra Sarkar, aged about 63 years, residing at 49 Surya Sen Nagar, P.O. - Mathijhil, Dum Dum, Kolkata 700074

206

- (9) Sk Mushiar Rahaman, son of late Sk Irfan Ali, aged about 62 years, residing as Keorapukur Mission, P.O. - Haridevpur, L.P. 210/10, Kolkata 700 082
- (10) Sankar Kumar Mitra, son of late Manoranjan Mitra, aged about 63 years, residing at Village - Bizna, P.O. Madarpur, Halisahar, 24 Pargana (North)
- (11) Ram Bahadur, son of Late Man Bahadur, aged about 69 years, residing at Kajal Para Nepali Bagan, Rajarhat, 24 Parganas (North), Pin 700135.
- (12) Dipak Kumar Halder, son of late Dharendra Nath Halder, aged about 62 years, residing at 28, J. C. Bose Road, P.O. - New Barackpur, Kolkata 700 131.
- (13) Chandrakant Jha, son of Late Lakshmikanta Jha, aged about 61 years, residing at 9/13 Jatin Bagchi Road, Kolkata 700 029
- (14) Kamal Chandra Barman, son of Late Kashinath Barman, aged about 62 years, residing at 2, R. N. Tagor Road, Kolkata 700077
- (15) Rabindra Nath Roy, son of late Madan Mahan Roy, aged about 66 years, residing at 4, A C Sarkar Road, Kolkata 700 076
- (16) Nakul Swarnakar, son of late D P Swarnakar, aged about 61 years, residing at 4E, S. P. Mukherjee Road, Tribeni, Hooghly 712503
- (17) Atanu Kumar Dey, son of late Anil Kumar Dey, aged about 61 years, residing at 15/2, K. K. Roy Road, Udayan Pally, Barisha, Kolkata 700 088

WAO

(18) Abdul Ohab, son of late Md. Dilbar Ali, aged about 62 years, residing at Village and P.O. - Sondalia, P.S. - Shasan, 24 Pgs North, Pin 743 423.

(19) Dulal Chandra Paul, son of late Hazarilal paul, aged about 62 years, residing at 334, Kabi Mukunda Das Road, Rbindra Nagar, Kolkata 700 065

(20) Sowkat Ali, son of Late Nasaruddin, aged about 65 years, residing at Village and Post Office - Sondalia, District - 24 Parganas (North), Pin Code No. 743423.

.... APPLICANTS

V E R S U S -

- I. The Union of India, through the General Manager, Metro Railway, Metro Bhawan, Kolkata 700 071
- II. The Chief Personnel Officer, Metro Railway, Metro Bhawan, Kolkata 700 071

.....RESPONDENTS

620

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

O.A./350/406/2016
M.A/350/242/2017

Date of Order: 24.09.2018

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

Hon'ble Dr. Mrs. N.Chatterjee, Administrative Member

Deb Kumar Chakrabarty & Ors. ---Applicants

Versus

Union of India & Ors. ----Respondents

For the Applicant(s): Mr. A.Chakraborty & Ms. P.Mondal
For the Respondent(s): Mr. B.L.Gangopadhyay

ORDER (Oral)

A.K.Patnaik, Judicial Member:

Heard Ld. Counsel appearing for both the parties.

2. M.A.No. 242/2017 filed for joint prosecution of this case is allowed and disposed of.

3. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

"8.(a) An order do issue directing the respondents to pass as order to the effect that the applicants will be entitled to count full service for the period of temporary status till regularization for the purpose of pension and half of the service before the period of temporary status.

(b) Cost and incidentals.

(c) Such further order/ orders and/or direction/ directions as your Lordships deem fit and proper.

WLL

(d) Leave may be granted to add the other applicants in the Original Application jointly under Rule 4(5)(a) of the CAT Procedure Rules, 1987."

4. Ld. Counsel for the applicants submitted that the applicants are at present working at Metro Railway. They were initially appointed as Casual Labour on different dates between 1974 to 1990 and were granted temporary status on diverse dates between 1981 to 1991. The Railway counted half of the service after attainment of temporary status for the purpose of calculation of Pension and other pensionary benefits. He submitted that in fact the employees who were initially employed in the Metro Railways on casual basis and attained temporary status and subsequently, regularized and retired from service got pension and other pensionary benefits after taken into account half of the service rendered by them as a casual labour with temporary status. He further submitted that the issue whether half of the service after attainment of temporary status or full service after attainment of temporary status followed by regularization will be taken into account for the purpose of pension and other pensionary benefits was decided by the Hon'ble Central Administrative Tribunal, Cuttack Bench and Hon'ble Division bench of the Andhra Pradesh High Court. He has relied on the decision in O.A. No. 581 of 1996 (Sachi Prusty Vs. Union of India & ors) passed by the Hon'ble Cuttack Bench and the order passed by the Andhra Pradesh High Court in this case of General Manager, South Central Railway, Ril Nilayam, Secundrabad, A.P. and Anr. Versus Shaik Abdul Kader.

5. It is submitted by the Ld. Counsel for the applicants that ventilating their grievances applicants have made representations dated 08.09.2015 and 19.02.2016 (Annexure-A/3) before the Chief Personnel Officer, Metro Railway, Kolkata (Respondent No.2) but till date no action has been taken. Ld. Counsel for the applicants submitted that the grievance of the applicants may be redressed if the Respondents are directed to consider the representations within a specific time frame.

6. Having heard Ld. Counsel for the applicants, without entering into the merit of the matter, we dispose of this O.A. by directing the Respondent No.2 to consider the representations of the applicants under Annexure-A/3 as per rules and regulations in force and pass a reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order. We make it clear that if after such consideration the applicants are found to be entitled to the relief



claimed by them then expeditious steps be taken within a period of further six weeks to redress their grievance. We also make it clear that if in the meantime the representations of the applicants have already been disposed of then the result thereof be communicated to the applicants within a period of two weeks.

7. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

8. Copies of this order be handed over to the Ld. Counsels for both the sides.

(Dr. Nandita Chatterjee)
Member (A)

(A.K.Patnaik)
Member(J)

RK/PS