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Central Administrative Tribunal
Calcutta Bench
Kolkata

OA.350/01264/2015

Date of Order : 03.09.2015

Present : Hon'ble Justice Mr. G. Rajasuria, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

Shri Chandan Sarkar & 20 Others.
-versus-
UNION OF INDIA & OTHERS(DEFENCE)

For the Applicant : Ms. T. Das, Counsel

For the Respondent : Mr. S. Paul, Counsel

ORDER

Per Mr. G. Rajasuria, JM :

Heard both.

2. This OA has been filed seeking the following reliefs:

"8(A) Let the applicants be allowed to move this application jointly under same casue of action under Section 4(5)(a) of the C.A.T. (Procedure) Rules 1985.

(b) An order directing the official respondents to revise the impugned seniority list of Chowkidar of the office of the Commander Works Engineer (S), Barrackpore published in 2009 and 2013 anti dating the seniority of the applicant with effect from 21.01.1993 along with the benefits of pay at par with arrear from the date of joining as Chowkidar.

(c) Manoj Kumar Rajak together with an order do issue directing the Respondent to extent the benefit of the judgment dated 30.04.2013 issued by Hon'ble CAT on 30.04.2013 in favour of the applicant.

(d) An order directing the respondents to produce/cause production of all relevant record.

(e) Any order and/or further order or orders as the Hon'ble Tribunal may deem fit and proper."

3. At the outset the learned counsel for the applicants would refer to the Annexure A-7 & Annexure A-8 and submit that the applicants herein should be treated on par with one Manoj Kumar Rajak (Respondent No. 7 herein) whose name is found at Srl. No. 18 of Annexure A-8.



4. The learned counsel for the respondents would submit that the representation of the applicants is wrong because among the present applicants for example applicant nos. 10 & 11 are found at Srl. No. 6 & 10 of Annexure A-8 and in fact they were placed above the said Manoj Kumar Rajak. Even though their appointment were on 08.03.1999, their seniority was reckoned with effect from 21.01.1993, and like that the other applicants seniority status could be traced at Annexure A-8 and it is a matter of details. As such as per him, the OA has not been prepared taking into consideration ~~of~~ this discrepancy.

5. Be that as it may, as of now we are not deciding the matter on merits. The applicants whose names are in Annexure A-8 could get themselves satisfied about the relief which they already got. However, the other applicants whose names are not in Annexure A-8, ^{are} permitted to make a detailed representation to the respondents concerned setting out the details of their status, which could show that they satisfied all the similar circumstances concerning those who got already their seniority reckoned with effect from 21.01.1993, whereupon, if it is found that those applicants are really on par with the Private Respondent No. 7 then the authority shall have no hesitation to extent the same benefit to those applicants. But on the other hand, ^{if} ~~as~~ their status of service is different from the Private Respondent No. 7, then a speaking order should be passed by respondent authorities concerned within a period of two months from the date of communication of this order and communicate the same to the applicant thereafter.

(Jaya Das Gupta)
MEMBER(A).

pd

(G.Rajasuria)
MEMBER(J).