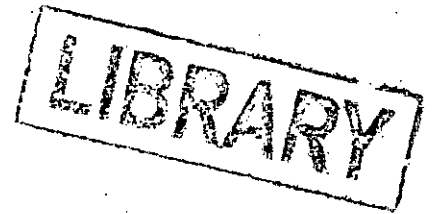


CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



OA. 350/352/2019
MA. 350/202/2019

Date of order: 17.06.2019

Present :Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

BHABATOSH MAJUMDAR & 24 ORS.

.....Applicants.

-versus-

1. Union of India, through the General Manager, Eastern Railway, Fairlie Palace, 17, N. S. Road, Kolkata- 1, West Bengal.
2. The Chief Works Manager, Eastern Railway, Liluah, Howrah-711101.

.....Respondents.

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. A. K. Guha, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, JM:

MA. 350/202/2019 filed by the applicants, for joint prosecution is allowed.

2. This application has been filed in order to seek the following relief:

"8(a) An order do issue directing the respondents to redesignate the state of the applicants as Helper-II as per merit of Panel and also grant them the benefit of promotion the post of Technician Grade III since Tanmoy Parui appointed as Helper - II as per

notification no. 0113 was promoted to the post of Technician Grade - III.

(b) Leave may be granted to file this Original Application jointly under Rule 4(5)(a) of the CAT Procedure Rule 1987."

3. Heard Id. Counsel for the parties.
4. The applicants are aggrieved since despite being selected for appointment to the post of Helper - II they were posted as Safaiwala in Liluah Workshop. In support of their claim they have produced the pay slips as per instructions issued by Chairman, RR wherein it is mentioned that provisionally empanelled candidates against Employment Notice No. 0113 will rank junior to those provisionally empanelled candidates of 0112. This Tribunal had already decided the issue regarding fixation of seniority between Safaiwala and Helper-II. The applicants further contended that the combined seniority list of Helper and Safaiwala in C & W Department was prepared and the incumbents were subsequently promoted to the post of Technician Grade III but as the seniority list of the applicants have not been prepared, they are deprived of their due promotion. Accordingly, the candidates appointed as Helper II as per the Notification No. 0113 have already been promoted to the post of Technician Grade III and have stolen a march over and above them and have become their senior.
5. However, both the Id. Counsels agree that the representation, preferred before the Chief Works Manager, Eastern Railway on 06.02.2019 which is pending for disposal before the said authority, can be directed to be disposed of.

6. Therefore, without entering into the merits of the matter, we dispose of the OA with a direction upon the concerned respondent no. 2 to consider the representation preferred by the applicants, in the light of the judgement which he wishes to rely upon, and in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order and communicate the decision to the applicants forthwith.

7. The OA is disposed of accordingly. No costs.

8. Applicants to pay their individual Court fees.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

pd

(a) Sl. No. of the appn.
(b) Name of the applicant
(c) Dt. of presentation of application for copy
(d) No. of pages
(e) Copying fee charged (urgent or ordinary)
(f) Dt. of preparation of copy
(g) Dt. of delivery of the copy to the applicant