

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH, KOLKATA

O.A. NO. 350/947/2019

PARTICULARS OF THE APPLICANTS:

1. ABHIJIT ROUTH, son of Late Kartick Routh, aged about 30 years, residing at Village Beheru Bag Colony, Post Office and P.S. - Babra, District - 24 (North) Pargans, Pin 743263, West Bengal.
2. BISWANATH MONDAL, son of Santosh Mondal, aged about 45 years, residing at Village Dakshin Pari Para, Taki (M), Tanki, District - 24 (North) Pargans, Pin 743429, West Bengal
3. CHAMPA GHOSH (MONDAL), son of Lake Kalipada Ghosh, aged about 40 years, residing at Village Dakshinrari Parra, Taki(M), Taki, District - 24 (North) Pargans, Pin 743429, West Bengal
4. PARUL MONDAL, son of Santosh Ghosh, aged about 40 years, residing at Village Hatgachha, Sandesh Khali-II, District - (North) Parganas, Pin 743439, West Bengal
5. SUMITA SAHA, son of Late Santosh Sarkar, aged about 36 years, residing at Village - Ausotos Kolony, Habra, District - (N), Parganas, Pin 743263, West Bengal
6. SUKUMAR DAS, son of Late Ajit Kumar Das, aged about 40 years, residing at Village East Sonatakir, District - North 24 Paraganas, West Bengal, Pin 743245, West Bengal
7. BINA SAHA, daughter of Late Suran Saha, aged about 70 years residing at Village Sonatakira, District - (N) 24 paraganas, Pin 743245, West Bengal
8. MANJU RANI BARUI, daughter of Late Laxmi Kanta Halder, aged about 62 years, residing at Village Digha, District - (N) 24 Paraganas, Pin 743245 West Bengal
9. DIPALI MONDAL, daughter of late Anil Mondal, aged about 70 years, residing at Village Rajarhat, Kajal Para Muripara, District - (N) 24 PGS, West Bengal

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10. TUKUN MONDAL, son of late Anial Mondal, aged about 40 years, residing at Village Rajarhat, Kajial Para Muripara, District - (N) 24 PGS, West Bengal

11. SANTANA PATRA, daughter of late Funu Parui, aged about 50 years, residing at Village-Annanta Pur, Loknath soroni, District - (North) 24 Paraganas, Post Office - Nowapara, Pin 125, West Bengal

12. UJJALA DAS, son of late Satash Chandra Shil, aged about 45 years, residing at Nibadita Palli, Post Office - Haripur, P.S. - Ashok Nagar, District - (N) 24 Paraganas, Pin 743223, West Bengal

13. SIKHA KAR, daughter of Late Manidra Ray, aged about 45 Years, residing at Village - Hari, Post Office - Haripur, P.S. Ashounagar, District - 24 Paraganas (North), Pin 743 223, West Bengal

14. TARAPADA DAS, late of Laxmon Rabi Das, aged about 50 years, residing at Village Dakshin Chatna Sukanta Pally, Post Office - D Chatva, P.S. - Baduria, District - 24 Paragans (North), West Bengal.

15. SUJIT PRAMANIK, son of Anil Pramanik, aged about 40 years, residing at Village Rabindra Road, Barasat, P.O.- Boapara, P.S. - Barasat, Pin 700125, district - 24 Paraganas (North)

16. ABHIJIT KUNDU, son of late Kanailal Kundu, aged about 45 years, residing at Village & Post Office - Ashanu, P.s. - Bagdah, District - 24 PGS(North), Pin 743251, West Bengal

17. ROHITA BALA DAS, son of late Madhan Das, aged about 52 years, residing at Bangam Station Road, Kurin Math, Post Office - R N Road, P.S. Bongam, District - 24 Paraganas (West)

18. SUDHA BIDYA, daughter of late Narayan Roy, aged about 51 years, residing at Village Malange Para, Post Office and P. S. - Swarup Nagar, Pin 743286, District - 24 Parganas (West), West Bengal

19. SABITRI SARDAR, daughter of Late Moti Sardar, aged about 44 years, residing at Village Bmgam Station Road, Babu Para, Post Office & P.S. - Bmgam, District - 24 Paraganas (North), West Bengal

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20. MOLINA GHOSH, daughter of late Gayaram Ghosh, aged about 42 Years, residing at Village & Post Office - Rajib Pur, p.S. - Ashonnagar, District - 24 Parganas (North), West Bengal

21. MADAN SARDAR, son of Shymal Sardar, aged about 44 years, residing at Village - Babupara, Bongam, Post Office & P.S. - Bongam, District - 24 Parganas (North), west Bengal.

22. SANDIP SARKAR, son of Dhrendra nath Sarkar, aged about 32 years, residing at Village Ramurisahi pally, Kutul Sahi Road, Post office - Barasat, Pin 700124, District - 24 Paraganas (North), West Bengal.

*All are working as daily rated
Post office & under office responsible.* APPLICANTS

V E R S U S

- I. Union of India, through the Secretary, Ministry of Communication
Department of Post, Dak Bhawan, Sansad Marg, New Delhi 1
- II. The Chief Post Master General, Kolkata Region, West Bengal
Circle, Yogayog Bhawan, C. R. Avenue, Kolkata 700012
- III. The Superintendent of Post Offices, Barasat Division, Barasat,
Kolkata 700124

.... RESPONDENTS

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**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A. 350/00947/ 2019
MA 517/2019

Order dated: 06.08.2019

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

Abhijit Routh & Ors. Applicants.

Versus

The Union of India & Ors. Respondents.

For the applicant : Mr. A.Chakraborty, Counsel

For the respondents : Mr. P.Mukherjee, Counsel

O R D E R (ORAL)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached the Tribunal praying for the following relief:

"(a) An order do issue directing the respondents to grant the benefit of Office memorandum dated 22.01.2015 issued by Department of Posts Government of India in favour of the applicants and also to pay the remuneration as per para II of the said memorandum with effect from 01.01.2006 and to grant arrears.

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

2. Heard both Ld. Counsel; examined documents on record. Matter is taken up at the admission stage for disposal.
3. An M.A. bearing No. 517/2019, arising out of O.A.No. 947/2019, has been filed praying for liberty to jointly prosecute this O.A. U/R 4(5)(a) of CAT Procedure

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Rules, 1987. On being satisfied that the applicant share commonality of interest and are pursuing a common cause of action, the M.A. is allowed and disposed of accordingly.

4. The submissions of the applicants, as made through their Ld. Counsel, are that all the applicants are working as a Daily Rated Mazdoor with the Respondent authorities. An Office Memorandum dated 22.01.2015 was issued by the Department of Posts on calculation of wages of full time casual labourers with admissible D.A. Subsequently, on 14.06.2016, another O.M. was issued by the DoPT, on the subject matter of recruitment of casual workers/persons on daily wages (Annexure-A/2 to the O.A.), and, that, the said O.M. referred to an earlier O.M. of DoPT dated 07.06.1988, which stated "that work presently being done by regular staff should be reassessed by the administrative Departments concerned for output and productivity so that the work being done by the casual workers could be entrusted to the regular employees". Relying on the aforesaid O.Ms., the applicants have made a detailed joint representation on 16.03.2019 praying for benefit of O.M dated 22.01.2015, but, the said representation, not having been responded to favourably by the Respondent authorities, applicants have approached the Tribunal praying for the abovementioned relief.

5. Ld. Counsel for the Respondents does not object to disposal of such representation in accordance with law.

6. Accordingly, without entering into merits of the matter, and, with the consent of the parties, we hereby direct Respondent No.3, who is the Superintendent of Post Offices, Barasat Division, Barasat, to examine the contents of the representation dated 16.03.2019 (Annexure-A/4 to this O.A.), if received at

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his end, and to dispose of the same with a reasoned and speaking order, and, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The decision arrived at should be communicated to the applicants forthwith thereafter.

7. With these directions, the O.A. is disposed of. Applicants will pay their individual court fees.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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