



**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

Original Application No.350/00972/2019 & MA.524/2019
With

Original Application No.350/00975/2019 & MA 525/2019
With

Original Application No.350/00976/2019 & MA.526/2019

Date of Order: This, 27th day of September, 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR NEKKHOMANG NEHSIAL, ADMINISTRATIVE MEMBER

1. Azad Mandal, son of Ram Mandal, aged about 42 years, residing at village Gandhipur, Post Office - Bariyarpur, District - Munger, Pin code - 811211.
2. Jogendra Prasad, son of Gangotri Mondal, residing at village Mahsouni, Post Office - Kajra, Police Station - Piribazar, District - Lakhisarai, Pin code - 811309.
3. Subash Mandal, son of Thembu Mandal, residing at village Fridpur, Post Office - Jamalpur, Police Station - Jamalpur, District - Munger, Pin code - 811214.
4. Kailash Kumar, son of Bhikhari Ram, residing at village Sultanpur, Post Office - Pararia, Police Station - Nokha, District - Sasaram, Pin code - 802217.

5. Balmiki Mandal, son of Guneshwar Roy, residing at village Dih (Harichak), Post Office – Saidpur, Police Station – Sahpurkamal, District – Begusarai, Pin code – 851211.
6. Abinash Yadav, son of Akshayalal Yadav, residing at village Kathani, Post Office – Bichichanchar, Police Station – Habeli Kharagpur, District – Munger, Pin code – 813221.
7. Ashutosh Kumar Singh, son of Abhay Kumar Singh, residing at village Shastrinagar, Road No. 1, Post Office – Munger, Police Station – Kasim Bazar, District – Munger, Pin code – 811201.
8. Amardip Yadav, son of Bishnudas Yadav, residing at Sadipur (College Road), Post Office – Munger, Police Station – Kotwali, District – Munger, Pin code – 811201.
9. Vijay Kumar, son of Biswannath Mahato, residing at village Shastrinagar Road No. 1, Post Office – Munger, Police Station – Kasim Bazar, District Munger, Pin code – 811201.
10. Naresh Kumar, son of Ganesh Paswan, residing at village Ghorghar, Post Office – Ghorghat, Police station – Bariyarpur, District – Munger, Pin code – 811201.
11. Bijay Kumar Singh, son of Jamindar Singh, residing at village Dhangahi, Post Office – Dhangahi, Police

Station – Bikramganj, District –
Rohtas, Pin code – 802213.

....Applicants in OA.972/2019

-Vs-

1. Union of India, service through the secretary, Ministry of Railways, Rail Bhawan, Raisina Road, New Delhi, Pin code – 110001.
2. The General Manager, Eastern Railways, having its office at Eastern Railway Headquarters, Fairlie Place, 17, Netaji Subhas Road, Kolkata – 700001.
3. The Principal Chief Personnel Office (Human Resource), Eastern Railways, having its office at Eastern Railway Headquarters, Fairlie Place, 17, Netaji Subhas Road, Kolkata – 700001.
4. The Chief Personnel Officer, Eastern Railways, having its office at Eastern Railway Headquarters, Fairlie Place, 17, Netaji Subhas Road, Kolkata – 700001.
5. The Divisional Railway Manager, Eastern Railways, Malda Town, Malda, Pin code – 732101.
6. The Divisional Personnel Officer, Eastern Railways, Malda Town, Malda, Pin code – 7332101.

... Respondents in OA.972/2019

1. Ramchandra Singh, son of Chatrabhuj Roy, residing at village Shirkund, Police station – Shiv



- Kund, District – Munger, Pin code – 811202.
2. Bishwajit Kumar, son of Birendra Prasad Singh, residing at village Azad Kufir (Shastri Chowk), Post Office – Munger, Police Station – Kotwali, District – Munger, Pin code – 811201.
 3. Mahendra Kumar, son of Ragunandan Paswan, residing at village Katgharh, Post Office – Munger, Police Station – Kotwali, District – Munger, Pin code – 811201.
 4. Mahesh Prasad, son of Chandrika Prasad, residing at village Subhas Nagar, Post Office – Munger, Police Station – Kotwali, District – Munger, Pin code – 811201.
 5. Ajay Kumar, son of Ram Mandal, residing at village Gandhipur, Post Office – Bariyarpur, Police Station – Bariyarpur, District – Munger, Pin code – 811211.
 6. Dilip Kumar Singh, son of Ram Khelawan Mandal, residing at village Kasturba Water, Post Office – Munger, Police Station – Kotwali, District – Munger, Pin code – 811201.
 7. Tuntun Prasad, son of Rajendra Prasad Yadav, residing at village Jaffar Nagar, Police station – Mufasil, District – Munger, Pin code – 811201..

8. Dinesh Prasad Yadav, son of Suresh Prasad Yadav, residing at village Baidhpur, Post Office – Baidhpur, Police Station – Shambhuganj, District – Banka, Pin code – 813221.
9. Saroj Kumar, son of Gago Yadav, residing at village Sadipur (Yadavtola), Post Office – Munger, Police Station – Kotwali, District – Munger, Pin code – 811201.
10. Sashi Kumar, son of Ramji Singh, residing at village Singheswartola (Nawagarhi), Post Office – Nawagarhi, Police station – Naya Ram Nagar, District – Munger, Pin code – 811201.
11. Dipak Kumar, son of Bhadaai Ram, residing at village Sultanpur, Post Office – Pararia, Police Station – Nokha, District – Sasaram, Pin code – 802217.
12. Sajan Mahto, son of Narsingh Roy, residing at village Jaffarnagar NH – 31, Post Office – Pachbir, Police Station – Sahpurkamal, District – Begusarai, Pin code – 851211..
13. Dinesh Kumar, son of Bhuneshwarsah, residing at village Shivrinar, Post Office – Herudiyara, Police Station – Kasim Bazar, District – Munger, Pin code – 811201.
14. Sharda Devi, son of Singho Kora, residing at village Bangali Bandh (Karantola), Post Office – Piri Bazar, Police Station – Piri Bazar, District – Lakhisarai, Pin code – 811112.

... Applicants of OA.975/2019

-Vs-

1. Union of India, service through the secretary, Ministry of Railways, Rail Bhawan, Raisina Road, New Delhi, Pin code - 110001.
2. The General Manager, Eastern Railways, having its office at Eastern Railway Headquarters, Fairlie Place, 17, Netaji Subhas Road, Kolkata - 700001.
3. The Principal Chief Personnel Office (Human Resource), Eastern Railways, having its office at Eastern Railway Headquarters, Fairlie Place, 17, Netaji Subhas Road, Kolkata - 700001.
4. The Chief Personnel Officer, Eastern Railways, having its office at Eastern Railway Headquarters, Fairlie Place, 17, Netaji Subhas Road, Kolkata - 700001.
5. The Divisional Railway Manager, Eastern Railways, Malda Town, Malda, Pin code - 732101.
6. The Divisional Personnel Officer, Eastern Railways, Malda Town, Malda, Pin code - 7332101.

... Respondents in OA.975/2019

1. Ramadhar Paswan, son of Dhuran Paswan, residing at village Mahsouni, Post Office - Kajra, Police Station - Piri Bazar, District - Lakhisarai, Pincode - 811209.



2. Upendra Paswan, son of Mahabir Paswan, residing at village Gorghat, Post Office – Gorghat, Police Station – Bariyarpur, District – Munger, Pin code - 811211.
3. Naresh Mahto, son of Parmeshwar Mahto, residing at village Mahsouni, Post Office – Kajra, Police Station – Piri Bazar, District – Lakhisarai, Pin Code – 811209.
4. Om Prakash, son of Mahabir Prasad, residing at village Mahsouni, Post Office – Kajra, Police Station – Piri Bazar, District – Lakhisarai, Pin code – 811209.
5. Krishndeo Yadav, son of Ram Bilash Yadav, residing at village Laldarwaza (Mirchi Talab), Post Office – Laldarwaza, Police Station – Kotwali, District – Munger, Pin code – 811201.
6. Rabi Shaw, son of Lakhon Sah, residing at village Abjuganj, Post Office – Abjuganj, Police Station – Sultanganj, District – Bhagalpur, Pin code – 813231.
7. Pradip Chandra Singh, son of Shivrindan Singh, residing at village Kesopur Idgah Road, Post Office – Jamalpur, Police Station – Jamalpur, District – Munger, Pin code – 811214.
8. Sudhir Prasad, son of Khakhanu Prasad Yadav, residing at village Lohchi, Police Station – Habeli

Kharagpur, District – Munger, Pin code – 811211.

9. Sanjiv Kumar, son of Bishnu Prasad, residing at village Mogal Bazar, Post Office – Basudeopur, Police Station – Basudeopur, District – Munger, Pin code – 811201.

Applicants in OA.976/2019

-VS-

1. Union of India, service through the Secretary, Ministry of Railways, Rail Bhawan, Raisina Road, New Delhi, Pin code – 110001.
2. The General Manager, Eastern Railways, having its office at Eastern Railway Headquarters, Fairlie Place 17, Netaji Subhas Road, Kolkata – 700001.
3. The Principal Chief Personnel Officer (Human Resource), Eastern Railways, having its office at Eastern Railway Headquarters, Fairlie Place 17, Netaji Subhas Road, Kolkata – 700001.
4. The Chief Personnel Officer, Eastern Railways, having its office at Eastern Railway Headquarters, Fairlie Place 17, Netaji Subhas Road, Kolkata – 700001.
5. The Divisional Railway Manager, Eastern Railways, Malda Town, Malda, Pin code – 792101.



6. The Divisional Personnel Officer,
Eastern Railways, Malda Town,
Malda, Pin code – 732101.

... Respondents in OA.976/2019

For applicants (Adv): Sri S.K.Mal & Sri S P Chattopadhyay

For respondents (Adv): Sri D N Bandopadhyay

ORDER (ORAL)

MANJULA DAS, MEMBER (J):

Since the relief(s) sought for in all the 3 OAs are same, all the three OAs are taken up together and being disposed of by this common order.

2. MA Nos. 524/2019, 525/2019 and 526/2019 have been preferred by the applicants for joining together in OA.972/2019, 975/2019 and 976/2019 respectively. Having regards to the facts and circumstances all the 3 MAs praying for joining together are allowed under Rule 4(5)(a) of the CAT (Procedure) Rules, 1987.

3. In all the 3 OAs, the applicants have made the following same prayers:-

"8.i) Leave be granted by this Hon'ble Tribunal to the applicants herein to file this present application jointly in consideration of the fact that the cause and the nature of relief as prayed for hereunder are similar and



that the applicants have a common interest in the present matter.

ii) The respondents herein be directed to consider the representation dated 20.10.2018 served before it;

iii) The respondents herein be directed to implement the memo being reference no. E/T&C/C/Cell/MLD(Loose) dated 12.01.2018;

iv) The respondents herein be directed to absorb the applicants as casual hot weather staff in terms of the memo being reference no. E/T&C/C/Cell/MLD(Loose) dated 12.01.2018;

v) The respondents herein be directed to disburse all manner of benefits along with arrear benefits which the applicants are entitled to till date;

vi) Costs of this application;

vii) Any other reliefs which this Hon'ble Tribunal deems fit and proper.

4. At the outset of the arguments, learned counsel for the applicants fairly submitted that they will be satisfied if the OA is treated as comprehensive representation and the respondents are directed to consider the same judiciously keeping in mind the notification dated 12.01.2018 and the representation/lawyers notice dated 20.12.2018. By accepting the prayer made by the applicants' side, we direct the applicants to produce the copy of the OA before the respondent no:4 within a period of one month from the date of receipt of this order. On receipt of the same, the



respondent no.4 shall judiciously consider and dispose of the same by giving personal hearing to them or through legal representatives and thereafter pass a reasoned and speaking order keeping in mind the notification dated 12.01.2018 and the lawyers notice dated 20.12.2018 within three months thereafter. Decision to be arrived at by the respondent no.4 shall be communicated to the applicants.

5. However, learned counsel for the respondents vehemently objected in sending the matter to the respondents for consideration. We have not been able to accept the submission made by the learned counsel for the respondents as we have not entered into the merits of the matter and only directed the department to consider who is the best authority to decide the matter.

6. The OAs are disposed of as above. There shall be no order as to costs.

(NEKKHOMANG NEIHSIAL)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER

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