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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH

AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNAL ACT, 1985.

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O.A. No. 350/420 of 2019.

1. SRI RUPCHAND DHARA, Son of Late  
M. Dhara, residing at: Vill. - Dakdighi,  
P.O.: - Katali, P.S.: - Goghat, Dist.: -  
Hooghly, Pin Code No.: - 712 612.
2. SRI ALOK BARAN ROY, Son of Late Radhanath  
Roy, residing at: Vill.: - Mulluck, P.O.: -  
Satberia, Goghat, Dist.: - Hooghly, Pin Code  
No.: - 712 612.
3. SRI DENO BANDHU ROY, Son of Late R.  
Roy, residing at :- Vill.-Mulluci, P.O.: -  
Satberia, P.S.: - Goghat, Dist.: - Hooghly,  
Pin Code No.: - 712 612.

..... Applicants.

✓ ① To The General Manager,

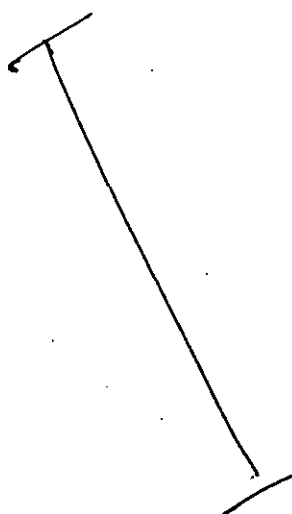
Eastern Railway, 17, N.S. Road,  
Kolkata - 700 001.

2. THE CHIEF PERSONNEL OFFICER, having  
his Office at: Eastern Railway/ Fairlie  
Place, Kolkata - 700 001.

3. THE CHIEF ADMINISTRATIVE OFFICER(C),  
having his Office at: Eastern Railway  
New Kollaghat Building, 4th floor,  
Kolkata - 700 001.

4. THE DIVISIONAL RAILWAY MANAGER, having  
his Office at: Eastern Railway/Howrah  
Division/ Howrah. Pin 711 01

..... Respondents.



**CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA**

O.A/350/420/2019  
MA/235/2019

Date of Order: 20.01.2020

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



Rupchand Dhara & Ors.....Applicants

Vrs.

Union of India & Ors.....Respondents

For The Applicant(s): Mr. N.Roy, Counsel

For The Respondent(s): Mr. H.Ghosh, Counsel

**ORDER (ORAL)**

**Ms. Bidisha Banerjee, Member (J):**

Heard Ld. Counsels for both the parties.

2. M.A.No. 235/2019 filed by the applicants to prosecute this case jointly is allowed and, accordingly, disposed of.

3. This O.A. has been preferred by the applicants to seek the following reliefs:

*"(a) To issue direction upon the respondents to consider the representations for appointment under land loser category forthwith.*

*(b) To issue further direction upon the respondents according to R.B. Circular No. 99/2010, the applicants' appointment may be considered under land loser scheme.*

*(c) Any other or further order or orders as Learned Tribunal deem fit and proper under the circumstances of the case.*

*(d) To produce Connected Departmental Record at the time of hearing.*

*(e) Leave may be granted to file this joint application under Rule 4(5)(a) of the CAT Procedure, 1987."*

4. Ld. Counsel for the applicants would submit that their prayer for

appointment in the light of RBE 99/2010 under land loser category has not been disposed of.

5. At hearing, Ld. Counsel for the respondents, by drawing our attention to Annexure-A/3 to the O.A. would submit that despite several communications for submission of proforma application, the applicants have failed to submit the same, due to which, their claim could not be processed and that the O.A. can be disposed of with direction upon the applicants to submit the proforma application, which, if preferred, shall be duly considered in accordance with law.

6. Since the applicants do not belong to the same family, we are of the considered opinion that they ought to have preferred individual representations to seek appropriate consideration under RBE 99/2010. Hence, we dispose of the O.A. granting liberty to the applicants to prefer individual representations to the competent authority, to seek benefit of RBE 99/2010, within a period of four weeks, which, if preferred, shall be disposed of by the competent respondent authority in the light of the decisions to be referred in the representations as well as the Railway Board's Circular, with a reasoned an speaking order within a period of three months from the date of receipt of the representations.

7. It is, however, made clear that we have not entered into the merits of the matter and, therefore, all the points to be raised in the representations shall be kept open for the respondents to consider.

8. O.A. is disposed of accordingly. No costs.

(Nandita Chatterjee)  
Member (A)

(Bidisha Banerjee)  
Member (J)

RK