

CENTRAL ADMINISTRATIVE TRIBUNAL  
 KOLKATA BENCH  
 KOLKATA  
 O.A. No.350/00310/2019.



Date of order : This the 21<sup>ST</sup> Day of January, 2020.

**Hon'ble Mrs.Bidisha Banerjee, Judicial Member**

**Hon'ble -Dr.(Ms) Nandita Chatterjee, Administrative Member**



Abdul Mofiz Mondal  
 Son of late Abdul Hafeez Mondal  
 Residing at Village Satghora  
 Post Office Ilahipur, P.S. Singur,  
 Dist. Hooghly, Pin 712409.

.....Applicant

By Advocate : Mr S.K.H. Reza.

- Versus -

1. Union of India  
 Service through the General Manager,  
 Eastern Railway,  
 Fairly Place, Kolkata – 700 001.
2. The General Manager,  
 Eastern Railway,  
 Fairly Place, Kolkata – 700 001.
3. The Dy. General Manager (G) & PIO  
 Eastern Railway,Fairly Place,  
 Kolkata – 700 001.
4. The Chairman,  
 Railway Board, Ministry of Railways,  
 Rail Bhawan, Raisina Road,  
 New Delhi – 110001.
5. The Chairman,  
 Railway Recruitment Cell,  
 Eastern Railway,56, C.R. Avenue,  
 Kolkata- 700 012.
6. Chief Personnel Officer,  
 Eastern Railway,  
 Fairly Place, Kolkata – 700 001.
7. Eastern Railway Construction Office,  
 Service through the Chairman,  
 Eastern Railway, 371 Telkal Ghat Road,  
 Howrah – 711101.

.....Respondents

By Advocate: Mr C. Mukherjee.

*[Signature]*

**ORDER (ORAL)****DR. (MS) NANDITA CHATTERJEE, MEMBER (A):**

The applicants has approached this Tribunal praying for the following relief.



- a) A direction directing the respondent authorities to forth with reassess the candidates list who were already been screened and who were about to be screened and enlist your applicant in one of those and appoint him under the land-loser category.
- b) A direction directing the respondent authorities to forthwith consider the application of your applicant for appointment in Railways under land loser category.
- c) A direction directing the respondent authorities to act in accordance with the order passed by the Hon'ble Tribunal in respect of the O.A.No.350/0032 of 2015 where the respondents are duty bound to appoint those persons who have been affected by the special project of Railway under which your applicant is also entitled to get appointment.
- d) A direction directing the respondent authorities to transmit all records pertaining to this case so that concessionable justice may be administered to your applicants.
- e) Any other and/or others relief as your Lordship may deem fit and proper.

2. Heard both Ld. counsel, examined documents on record. The matter is taken up for disposal at the admission stage.

3. The submission of the applicant, as articulated through his Ld. counsel, is that the father of the applicant was a claimant to land acquired by the respondent authorities for the purpose of Dankuni Furfura Sharif, New Broad Gauge line Railway Project. Possession was handed over in pursuance to the acquisition notice and compensation was received thereupon. RBE/99/2010 dated 16.07.2010 however, had notified

that the respondents will consider applications for appointment of land losers whose lands were acquired for Railway Projects.

The respondent authorities not having offered appointment to the applicant, and, being aggrieved, the applicant has approached this Tribunal for the abovementioned relief.



Ld. counsel for the applicant would urge that the applicant would be fairly satisfied if the respondent authorities are directed to consider his prayer in the light of the judgment of Hon'ble High Court at Calcutta in WPCT No.74/2016.

4. Ld. counsel for the respondents submits that they would not object to consider such prayer in the light of orders of the Hon'ble High Court of Calcutta in WPCT 74/2016.

5. Accordingly, without entering into the merits of the O.A, and, with the consent of the parties, we hereby direct the competent respondent authority to consider the prayer of the applicant in the light of the decision of Hon'ble High Court at Calcutta in WPCT No.74/2016. The concerned respondent authority, shall, thereafter, convey his decision taken in accordance with law in the form of a speaking order to the applicant within a period of 12 weeks from the date of receipt of a copy of this order.

With these directions O.A is disposed of. No costs.

**(DR (MS) NANDITA CHATTERJEE)**  
**MEMBER (A)**

**(BIDISHA BANERJEE)**  
**MEMBER (J)**

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