

LIBRARY**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 827 of 2017

Date of order: 3.12.2019

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

ARPITA GHOSH

... Applicants

- V E R S U S -

UNION OF INDIA & ORS. (Eastern Railway)

..... Respondents



For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Mr. S.K. Das, Counsel

ORDER (Oral)**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

"(a) For a direction upon the Respondent Authority to immediately issue appointment letter in favour of the applicant in terms of Government Notification dated 16.7.2010 and 13.8.2010 for appointment of land losers affected by land acquisition for Railway Project.

(b) For a direction upon the Respondent Authorities to consider with immediate effect and issue appointment letters to the applicant under the category /policy of appointment of land losers effected by land acquisition for Railway Projects.

(c) To pass such other further order/orders as your Lordships may deem fit and proper."

2. Heard both Ld. Counsel, examined pleadings and annexed documents. It is noted that no rejoinder is on record.

3. Ld. Counsel for the applicant would submit that the land to which the applicant claims ownership, was acquired by the respondent authorities for Execution, Maintenance, Management and Operation of a

Special Railway Project namely, Dankuni to Furfura Sharif New B.G. Line, but despite the contents of the notification vide Railway Board's Circular No. 99 of 2010, and judicial pronouncements in SLP No. CC-11970/2013 as well as orders of the Tribunal in O.A. No. 526 of 2015, O.A. No. 1539 of 2015 and O.A. No. 1094 of 2015 respectively, the Railway authorities are yet to offer an appointment to the applicant, who, being aggrieved, has approached the Tribunal with the above noted prayers.

4. Ld. Counsel for respondents would argue that appointment to land losers has stopped since 2014 as the Railway Board has advised, vide their letter dated 16.8.2018 that the entire policy of appointment of land losers is under review, and that the candidature of the applicant could not be considered at the material point of time as because she was under aged and her educational qualifications failed to fulfil the requisite criteria.

5. Ld. Counsel for the applicant would vociferously aver that the applicant has since qualified in Madhyamik Pariksha, has obtained a Diploma in Civil Engineering and has attained majority, upon which lawyer's notice dated 12.2.2017 (Annexure A-4 to the O.A.) was issued for consideration of her appointment on fulfillment of requisite criteria.

During hearing, Ld. Counsel for the applicant would submit that the applicant has herself represented on 20.9.2017 to the authorities (R-1 to the reply) and, that, she would be satisfied if the respondents are directed to consider her prayer in the light of the decision of the Hon'ble High Court Calcutta in WPCT No. 74 of 2016

6. Ld. Counsel for the respondents also submits that the matter could be reconsidered in the light of decisions in WPCT No. 74 of 2016.

hch

7. We would, therefore, dispose of this O.A. by directing the competent respondent authority to reconsider the matter in accordance with the decisions in WPCT No. 74 of 2016 and issue an appropriate order within 12 weeks from the date of receipt of a copy of this order.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member



SP