

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

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No. O.A. 1081 of 2019

Date of order: 3.12.2019

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

ATREYEE PAL

... 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. H. Ghosh, 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) To issue direction upon the respondent authorities to give appointment under the land loser scheme to the applicant forthwith;
- (b) To issue further direction upon the respondent authorities to quash, cancel and/or set aside the impugned order, dtd. 16.11.2018 forthwith;
- (c) To issue further direction upon the respondent authorities to give appointment under the said Land Loser Scheme to the applicant forthwith;
- (d) Any other order or further order or orders as Your Lordships may deem fit and proper under the circumstances of the case.
- (e) To produce connected departmental record at the time of hearing."

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

3. Ld. Counsel for the applicant would submit that the applicant claims ownership of land acquired in 2012 by Railway authorities for

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construction of Dankuni – Furfura Sharif New Broad Gauge Line Project. Although compensation has been received in lieu of acquisition, the respondent authorities rejected the claim of the applicant for appointment on grounds that she was underaged at the material point of time, that is, during acquisition in the year 2012. The respondent authorities have also stated that the Railway Board, vide their letter dated 16.8.2018 have conveyed that there is no scope of consideration of her representation dated 18.08.2018 preferred upon attaining maturity, as the entire matter related to appointment of land losers is under review.

Hence, being aggrieved, the applicant has approached the Tribunal for relief.

Ld. Counsel for the applicant would submit that she would be fairly satisfied if an order is issued directing the respondent authorities to reconsider her prayer in the light of orders issued by the Hon'ble High Court in WPCT No. 74 of 2016.

4. Ld. Counsel for the respondents would not object to reconsideration of the applicant's representation in the light of decision in WPCT No. 74 of 2016.

5. Therefore, we dispose of the O.A. with a direction upon the competent respondent authority to reconsider the applicant's prayer in the light of discussions in WPCT No. 74 of 2016 and to issue an appropriate order within 12 weeks from the date of receipt of a copy of this order.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP