

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. M.A. 350/00552/2017
(O.A. 350/00022/2016)

Date of order: 6.3.2020

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member**BIJAN SARKAR & ORS.****VS.****UNION OF INDIA & ORS. (Eastern Railway)**

For the Applicants : Mr. N. Roy, Counsel

For the Respondents : Mr. K. Sarkar, Counsel

O R D E R (Oral)**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicants in the M.A. application have prayed for execution of the orders dated 6.1.2016 issued in O.A. No. 22 of 2016 by this Tribunal.

2. Heard both Ld. Counsel, examined documents on record.
3. This Tribunal had disposed of the above mentioned O.A. with the following orders:-

“4. As such, in the interest of justice, we direct the authorities to pass a reasoned and speaking order after considering the representations, received in terms of RBE No. 99/2010 in accordance with law within a period of two months from the date of receipt of a copy of this order and to communicate the same to the applicants within a period of one month thereafter. It is made clear that we have not gone into the merits of the case. All the points are kept open for consideration by the concerned respondents.”

A consequent CPC bearing No. 66/2016 alleging violation of the said orders in the O.A. were dropped with the following observations:-

“3. The aforesaid order reveals that the applicants have not applied in prescribed format in terms of the Joint Procedure Order vide Order No. E.368/O/Pt.IV dated 18.5.2011, hence they were advised to move an appropriate application in prescribed format after collecting the proforma the letter dated 20.4.2016 has also been annexed and submitted by the Ld. Counsel for the respondents whereby it appears that the process in respect of the petitioners has been initiated. Ld. Counsel for the applicant also pointed out that after the aforesaid speaking order was passed they have applied on the prescribed format.

4. Hence, in view of the above, we are of the view that the order passed in O.A. No. 22/2016 has been substantially complied with. We expect in vogue that Railway authorities will expedite the matter of appointment of land losers.”

hsl

4. Both Ld. Counsel would agree that this M.A. may be disposed of by directing the competent respondent authority to dispose of the prayers of the applicants (which are yet to culminate as appointment orders) in the light of the orders issued by the Hon'ble High Court at Calcutta in **WPCT No. 74 of 2016 (Union of India & ors. v. Lakshman Chandra Bhandary & ors.)**.

5. Accordingly, with the consent of the parties, we dispose of this M.A. by directing the competent respondent authority to dispose of the prayers of the applicants in O.A. No. 350/00022/2016, in accordance with law, and, particularly, in the light of the orders of the Hon'ble High Court at Calcutta in **WPCT No. 74 of 2016 (supra)** within 12 weeks from the date of receipt of a copy of this order. Decision taken should be conveyed in the form of a reasoned and speaking order to the applicants forthwith thereafter.

6. With these directions, the M.A. is disposed of.

Applicants will pay their individual court fees through postal orders/DDs, as required.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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