CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 1662 of 2016 Date of order: 3.12.2019

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

GOUTAM DUTTA

... Applicants

- V E R S U S -

UNION OF INDIA & ORS. (Eastern Railway)

..... Respondents

For the Applicant : Mr. B. Das, Counsel

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

O R D E R (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:-

"(i) For a direction upon the Respondent Authority to cancel, rescind, withdraw and/or recall the impugned decision dated 11.3.2016 of the Personnel Department of the Eastern Railway issued to the applicant intimating that the competent authority did not consider his case for appointment in Railways as he has not fulfilled the criteria enumerated in Railway Board's letter No. E(NG)II/2010/RC-5/1 dated 16.7.2010.

(ii) For a direction upon the respondent authorities to immediately issue appointment letter in favour of the applicant in terms of the notification/circular being RBE No. 99/2010 dated 16.7.2010 issued by Railway Board under Ministry of Railways, Govt. of India for appointment of land loser affected by land acquisition for Railway Projects.

(iii) 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 affected by land acquisition for Railway Projects.

(iv) Any other appropriate order and/or orders, direction and/or directions to which the applicant is otherwise entitled to in accordance with law."

2. Heard both Ld. Counsel, examined pleadings and documents on record.

3. The applicant is aggrieved that despite orders issued by this Tribunal on 31.7.2015 in O.A. No. 872 of 2015 (CPC. 276 of 2015) in the matter of ***Goutam Dutta v. G.M., Eastern Railway,*** the respondent authorities had issued a speaking order on 11.3.2016 (Annexure A-8 to the O.A.), which states as follows:-

EASTERN RAILWAY
(Personnel Department)
17, N.S. Road
Kolkata-700 001

No. 368/ Land Loser/ Court Case/ Bridge No. 172 Dated : 11.03.2016.

Sri Goutam Dutta,
Vill - Jagdhari, P.O&P.S-Nalhati,
Dist - Birbhum. 731220.

Sub : Appointment/ engagement on land acquisition ground.

Ref : Hon'ble CAT/ Calcutta's order dated 31/7/15 in OA No.350/00872/2015 (CPC No.350/00276 / 2015) in the matter of -

Sri Goutam Dutta ..... -Vs.-
GM/ E. Rly. & Ors.

Hon'ble CAT/ Calcutta in its order dated 31/7/15 had ordered to consider the cases of applicants (land losers) for appointment. In view of Hon'ble Tribunal's aforesaid order, the Land Losers' Certificate-cum-Application Form bearing No 000004 issued to you by this Railway for acquisition of land has been examined. On careful examination of your case, competent authority did not consider your case for appointment in Railways as you have not fulfilled the criterias enumerated in Railway Board's letter No.E(NG)II/ 2010/RC-5/1 dated 16.07.2010 (RBE No.99/2010) on the subject issue.

(D. Biswas) 11/3/16
Asstt. Personnel Officer (Engg.)
for Chief Personnel Officer

Ld. Counsel for the applicant would agitate that although the applicant's appointment has been rejected on grounds that he had not fulfilled the requisite criteria enumerated in RBE No. 99 of 2010, there are no specific averments as to which criteria the applicant had failed to fulfil so as to enable him to claim his right to appointment as a land loser in connection with acquisition of land for construction of Railway Bridge No. 172 at Jagdhari, Painta and Karimpur Project.

Ld. Counsel for the applicant would submit that he would be satisfied if the authorities are directed to re-consider his prayer for

appointment in the light of decisions of the Hon'ble High Court, Calcutta in WPCT No. 74 of 2016.

4. The respondents would argue that the applicant's matter could not be placed before the screening committee on account of certain anomalies in his Certificate-cum-Application Form as communicated to the applicant on 11.3.2016. Ld. Counsel for the respondents however would not object to reconsidering the matter in the light of decisions in WPCT No. 74 of 2016.

5. Therefore, we dispose of this O.A. with a direction on the competent respondent authority to reconsider his matter in the light of decisions in WPCT No. 74 of 2016 and to pass an appropriate order within 12 weeks from the date of receipt of a copy of this order.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP