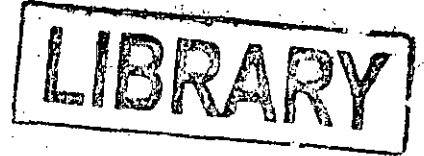


CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 1454 of 2016

Date of order: 3.12.2019

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

MST. JESMINA BEGAM & ANR.

... 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. Chatterjee, 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 in the instant O.A.:-

"(a) For a direction upon the respondent authority to immediately issue appointment letter in favour of the applicants in terms of Government notification dated 16.7.2010 and 13.8.2010 for appointment of land loser affected by land acquisition for Railway Projects.

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

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

hgm

2. Although two applicants have jointly moved this Original Application, in the absence of any prayer seeking liberty to jointly pursue this Original Application under Rule 4(5)(a) of Central Administrative Tribunal (Procedure) Rules, 1987, the O.A. would proceed only in the context of applicant No. 1 and cause title stands accordingly amended.

3. Heard Ld. Counsel for both sides, examined documents on record.

4. The submissions of the applicant No. 1 is that her father is the claimant to ownership of land acquired in 2012 for Execution, Maintenance, Management and Operation of Special Railway Project viz. Dankuni to Furfura Sharif New Broad Gauge Line. The applicant had sent a lawyer's notice to grant her appointment as per notification RBE No. 99 of 2010, which the respondent authorities are yet to consider and the present Original Application has been filed seeking the benefits of this Tribunal's order in O.A. No. 1539 of 2015, O.A. No. 526 of 2015, O.A. No. 1094 of 2015 and O.A. No. 1871 of 2015 respectively.



Ld. Counsel for the applicant would fairly submit that the applicant be given liberty to submit a comprehensive representation certifying her eligibility in accordance with the requisite criteria laid down in RBE No. 99 of 2010, and, that the respondent authorities be directed to dispose of the same in the light of decision by Hon'ble High Court, Calcutta in WPCT. 74 of 2016.

5. Ld. Counsel for the respondents would argue that the applicant had not submitted any request for appointment in the requisite proforma during the material point of time but, would not object for reconsideration of her prayer, if submitted, to the competent respondent authority within time in the light of decisions of the Hon'ble High Court of Calcutta in WPCT No. 27 of 2016.

hpl

6. Therefore, we dispose of this matter by according liberty to the applicant to prefer a comprehensive representation within a period of 4 weeks fortified by requisite documents in her support.

In the event, such representation is preferred, the competent respondent authority, shall, within a further period of 12 weeks therefrom, decide in the light of the judgment of Hon'ble High Court, Calcutta in WPCT No. 74 of 2016 and convey his decisions forthwith thereafter to the applicant.

7. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member



SP