

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 350/01366/2019
M.A. 350/00793/2019

Date of order: 28.1.2020

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

1. KAZI ALI AHASAN
2. KAZI MD. NAVID ALI

VS.

UNION OF INDIA & ORS. (Eastern Railway)

For the Applicants : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. P. Bajpayee, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicants have approached this Tribunal under Section 19 of the Administrative Tribunal, 1985 praying for the following relief:-

"(a) An order do issue directing the respondent to grant an appointment in favour of the applicant No. 2 since land of the applicant No. 1 was acquired by Government of W.B. for the construction of Railway Project namely Dankuni Furfura Shariff New B.G. Line in the District of Hooghly.

(b) Leave may be granted to file this Original Application jointly under Rule 4(5)(a) of the CAT (Procedure) Rules, 1987."

2. An M.A. 350/00793/2019 has been filed by applicants No. 1 and 2, (mother and son also belonging to the same family), praying for liberty to jointly pursue this Original application. Such liberty is granted under Rule 4(5)(a) of Central Administrative Tribunal (Procedure) Rules, 1987 on grounds of commonality of interest and common cause of action.

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The M.A. is allowed and disposed of accordingly.


3. Ld. Counsel for the applicant and respondents are present and heard. This matter is taken up for disposal at the stage of admission.

4. Ld. Counsel for the applicant would submit that the land belonging to applicant No. 1 was acquired in connection with Special Railway Project, Dankuni Furfura Sharif, New B.G. Line. The applicant received compensation, and, in response to the provisions of RBE No. 99 of 2010, applied for appointment on behalf of her son. Her son had neither attained majority, nor had acquired the requisite educational qualification and was also not able to furnish an OBC certificate from the competent authority, at the material point of time. Upon her son's attaining majority, having obtained OBC certificate and having qualified in the Madhyamik examination, the applicant No. 1, represented to the authorities on 21.6.2018 (Annexure A-3 to the O.A.), stating that her son has become eligible to be appointed under the provisions of RBE No. 99 of 2010.

Not having received any favourable response thereon, the applicant has approached this Tribunal praying for the aforementioned relief.

5. Ld. Counsel for the applicant would submit that the applicants would be fairly satisfied if directions are issued to consider her prayers in accordance with the decisions in WPCT No. 74 of 2016 of the Hon'ble High Court at Calcutta.

As Ld. Counsel for the respondents does not object to such prayer, without entering into the merits of the matter, and, on consent, we hereby direct the competent respondent authority to consider the prayer of the applicant, if received at his end, and, in accordance with law, and, particularly, in the light of the judgment of the Hon'ble High Court at





Calcutta in WPCT No. 74 of 2016 within 12 weeks from the date of receipt of a copy of this order. The decision should be conveyed to the applicants in the form of reasoned and speaking order forthwith thereafter.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP

