

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA

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No. O.A. 1643 of 2019  
O.A. 1644 of 2019  
O.A. 1645 of 2019  
O.A. 1646 of 2019

Date of order: 18.12.2019

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

KAZI MD. SAIDUL ISLAM  
RANJIT KUMAR MEDDA.  
K.H. SADATULLAH  
GULSUNARA BEGUM

- V E R S U S -

UNION OF INDIA & ORS. (Eastern Railway)

For the Applicant : Quazi Md. Hatizullah, Counsel

For the Respondents : Mr. P. Bajpayee, Counsel

**ORDER (Oral)**

**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicants have approached this Tribunal in second stage litigation under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

"(a) To direct the respondents to set aside or withdraw the reasoned and speaking order issued and signed by the Principal Chief Personnel Officer, Respondent No. 2, vide Memo No. E. 368/Land Loser/Court case/PPT. II, dated 24<sup>th</sup> June, 2019 which were communicated by the Sr. Personnel Officer/T & Engg./Principal Chief Personnel Officer vide Memo No. E.368/Land Losers/Court case/Pt. II dated 25.5.2019 upon your applicant individually and further direct the Respondents to issue appointment letter in favour of the applicant in any suitable posts in any of the Workshops and/or any of the posts of Khalasi in any Railway Lines and/or anywhere as per requirements as wards/members of family of the said land loser in Dankuni Furfura Shariff New Lines Project xxxxxxxxxxxxxxxx.

(b) To pass such other order or orders, direction or directions as to Your Lordships may deem fit and proper."

*hch*

2. As each of these O.A.s are based on same set of facts, and, involve similar points of law, the Original Applications are taken up for disposal through a common order.

3. Heard both Ld. Counsel, examined documents on record. The matters are taken up for disposal at the admission stage.

4. Ld. Counsel for the applicant would submit that the applicants belong to the family of the land losers whose land were acquired by the authorities in connection with the Dankuni Furfura Sharif New Railway Line Project. Although, compensation was paid to each of the families, the acquisition was made on condition that the authority would provide job to all the land losers as per their notification. The applicants, not having received such appointment, had preferred an O.A. No. 1097 of 2018 which was disposed of on 20.11.2018 by this Tribunal directing the respondent authorities to issue a speaking and reasoned order thereupon. In compliance, the respondent authorities issued a speaking order dated 24.6.2019 in which their prayers were rejected on grounds of non-fulfilment of criterion of age and educational qualifications. Being aggrieved, the applicants have approached this Tribunal in individual O.A.s seeking the aforementioned relief.

5. Ld. Counsel for the applicant would submit that the applicants would be fairly satisfied if a direction is issued on the concerned respondent authority to consider their prayers in the light of the decisions of the Hon'ble High Court at Calcutta in WPCT No. 74 of 2016.

6. Ld. Counsel for the respondents would argue that the applicants prayers could not be considered as they had failed to fulfil the criteria laid down in RBE No. 99 of 2010 during acquisition, but, would not object to reconsideration of the applicant's prayer in the light of decisions of Hon'ble High Court, Calcutta in WPCT No. 74 of 2016.

*hsh*

7. We, therefore, would dispose of this O.A. with a direction upon the competent respondent authority to dispose of the prayer of the applicants in the light of the decisions of the Hon'ble High Court Calcutta in WPCT No. 74 of 2016, and, in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order and to convey his decision through a reasoned and speaking order to the applicants forthwith thereafter.

8. With these directions, the O.A. is disposed of. There will be no order on costs.



**(Dr. Nandita Chatterjee)**  
**Administrative Member**

**SP**



**(Bidisha Banerjee)**  
**Judicial Member**