

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 1157 of 2019

Date of order: 3.12.2019

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

KAZI MOHAMMAD SHAFAYETULLAH

... Applicants

- VERSUS -

UNION OF INDIA & ORS. (Eastern Railway)

..... Respondents

For the Applicant : Mr. A.P. Deb, Counsel

For the Respondents : Mr. A. Mondal, Counsel

ORDER (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:-

"(a) For a direction upon the Respondent Authority to immediately issue appointment letter in favour of the applicant in terms of Government Notification dated 16.7.2010 and 13.8.2010 for appointment of land losers affected by land acquisition for Railway Project.

(b) 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 effected by land acquisition for Railway Projects.

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

2. Heard both Ld. Counsel, examined documents on record. The matter is taken up for disposal at admission stage.

3. Ld. Counsel for the applicant would submit that he claims ownership to land acquired in 2012 by Railway authorities for the new

Broad Gauge Railway Line from Dankuni to Furfura Sharif, and, that although the applicant formally applied for appointment on 6.8.2012, he was a minor at the material point of time and had only academically qualified upto Class IV.

Accordingly, after having qualified in the Madhyamik Pariksha and having attained the age of majority, the applicant reiterated his claim for appointment vide his representation 18.3.2019 but is aggrieved as the respondent authorities have not favoured him with any response despite pendency of such representation at their end.

4. During hearing, Ld. Counsel for the applicant would submit that he would be pleased and satisfied if an order is issued to the Respondent authorities to consider his prayer in the light of the decision of the Hon'ble High Court Calcutta in WPCT No. 74 of 2016 wherein the Hon'ble High Court, Calcutta had ordered as follows:-

"We, therefore, propose to pass the following further directions to close the breach:

- (i) Within a period of seven days from the date of receipt of a copy of this judgment and order, the Chief Personnel Officer shall intimate the respondent No. 1, which of the documents are required from his end for ensuring placement of his claim before the screening committee;
- (ii) Within a month of receipt of such intimation, the respondent no. 1 shall produce the necessary documents/papers before the Chief Personnel Officer and upon receipt of such documents/papers, the claim of the respondent No. 1 shall be placed before the screening committee for an appropriate decision."

5. Ld. Counsel for the respondents does not object to consideration of the prayer in the light of decisions in WPCT No. 74 of 2016.

6. Therefore, we dispose of the O.A. with a direction on the respondent authorities to examine and dispose of the applicant's representation dated 18.3.2019 (Annexure A-5 to the O.A.) in the light of

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the decision 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.

7. The O.A. is, accordingly, disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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