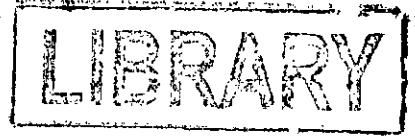


CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 1399 of 2019

Date of order: 18.12.2019

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

KHANDAKAR MD. FIROZE

- V E R S U S -

UNION OF INDIA & ORS. (Eastern Railway)

For the Applicant : Quazi Md. Hafizullah, Counsel

For the Respondents : Mr. P. Bajpayee, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has 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 NZ.E. 368/Landloser/Court Case/Pt. II dated 24th June, 2019 which were communicated by the Sr. Personnel Officer/T&Engg./Principal Chief Personnel Officer vide Memo No. E. 368/LandLosers/Court case/Pt.II dated 25.5.2019 upon your applicants 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 in any of the posts of Khalasi in any Railway Lines and/or anywhere as per requirements as Wards/members of the family of the said land losers in Dankuni-Furfura Sharif New Lines Project having serial No. of certificate for the project 000457, 000369, 000518, 000515 and 000311 respectively as early as possible;

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

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

3. An M.A. bearing No. 810 of 2019 was filed by the applicant with others praying for liberty to jointly prosecute this Original Application.

The same was rejected by this Tribunal upon holding that, as individual

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speaking orders are challenged, the O.A. will proceed in case of applicant No. 1 while other applicants were given liberty to file individual applications. The cause title of this O.A. stands amended accordingly.

4. Ld. Counsel for the applicant would submit that the father of the applicant was a claimant to land acquired in Dankuni Furfura New Railway Line project. Although compensation was paid, such land was acquired on condition that the authorities would provide jobs to all the land losers according to their notification.

Not having received any offer of appointment, the applicant, with others, had preferred an earlier O.A. No. 1097 of 2018 with M.A. No. 548 of 2018 which was disposed of 20.11.2018 by this Tribunal directing the respondent authorities to consider such representations and to pass a reasoned and speaking order in a time bound manner.

In compliance, the respondent authorities issued a speaking order dated 24.6.2019 in which the claim of the applicant was rejected on grounds of being overaged.

Accordingly, being aggrieved, the applicant has approached the Tribunal praying for the above mentioned relief.

5. Ld. Counsel for the applicant would submit that the applicant would be fairly satisfied if a direction is issued on the concerned respondent authority to reconsider his prayer 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 applicant's prayer could not be considered as he failed to fulfil the criteria laid down in RBE No. 99 of 2010 at the material point of time 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.

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7. We, therefore, would dispose of this O.A. with a direction upon the competent respondent authority to dispose of the prayer of the applicant 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 applicant forthwith thereafter.

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



(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP