

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/01040/2018

Date of order: 3.12.2019

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

MAHAMAYA RAY

VS.

UNION OF INDIA & ORS. (Eastern Railway)



For the Applicant : Mr. B. Das, Counsel

For the Respondents : Mr. S.K. Das, Counsel

ORDER (Oral)**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicant has approached this Tribunal in the instant O.A. under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- I. That the applicant prays for mandate upon the respondents, their agents or sub-ordinates or each of them to direct to consider the representation on 9.3.2015 and also direct them to issue appointment letter in favour of your applicant forthwith.
- II. That there is no other alternative and remedy prayed for will give complete relief/reliefs to your applicant.
- III. An order for granting such further or other orders/reliefs as the Hon'ble Tribunal may deem fit and proper."

Subsequently, as her representation was rejected by the respondent authorities on 13.8.2018, the applicant has filed a supplementary affidavit seeking liberty to challenge the said rejection order of the respondent authorities. Such liberty is granted.

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

3. Ld. Counsel for the applicant would submit that the applicant is the claimant to ownership of land acquired by the respondent Railway authorities for the Dankuni -Furfurasharif New Broad Gauge Line Project, and, although compensation was received, the applicant had also applied for employment with reference to provisions contained in RBE No. 99/2010. As no offer of appointment was forthcoming, the applicant had filed an O.A. No. 350/0565 of 2016 which was disposed of by the Tribunal directing the respondents to consider her representation. The respondent authorities subsequently rejected the prayer of the applicant vide their speaking order dated 13.8.2018 on the grounds that the applicant was unsuitable due to non-fulfilment of the requisite educational criteria.

4. Ld. Counsel for the applicant would submit that the applicant would be fairly satisfied if a direction is issued on the competent respondent authority to consider her prayer afresh in the light of the decisions of the Hon'ble High Court at Calcutta in WPCT No. 74 of 2016.

5. Ld. Counsel for the respondents would argue that the applicant had failed to fulfil the minimum educational criteria as laid down in RBE No. 99 of 2010 but would not object to reconsideration of her prayer in the light of decisions of Hon'ble High Court, Calcutta in WPCT No. 74 of 2016.

6. 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

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through a reasoned and speaking order to the applicant forthwith thereafter.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP

