

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 350/01099/2019
M.A. 350/00623/2019

Date of order: 13.2.2020

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

1. SMT. NAMITA GHOSH
2. TUMPA GHOSH

VS.

UNION OF INDIA & ORS. (Eastern Railway)

For the Applicants : Mr. N. Roy, Counsel

For the Respondents : Mr. P. Bajpayee, Counsel

O R D E R (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 issue direction upon the respondent authorities to consider the representation dated 18.7.18 for appointment under the Land Loser Scheme to the Applicant No. 2 forthwith;
- (b) To issue further direction upon the respondent authorities to give appointment under the said Land Loser Scheme, where the applicant No. 2 has submitted all the documents for appointment. The applicant's appointment may be considered according to educational documents forthwith.
- (c) Any other order or further order or orders as Your Lordships may deem fit and proper under the circumstances of the case;
- (d) To produce connected departmental record at the time of hearing of the case;
- (e) Leave may be granted to file this joint application under Rule 4(5)(a) of the CAT (Procedure) Rules, 1987."

2. An M.A. 350/00623/2019 has been filed by applicants No. 1 and 2, (mother and daughter belonging to the same family), praying for liberty to

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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.

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

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

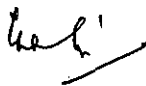
4. In the first stage litigation, the applicants had approached this Tribunal in O.A. No. 1094 of 2015 which was disposed of on 13.8.2015 by directing the respondents to consider their case for appointment under the relevant scheme in a time bound manner.

In response, the respondent authorities had informed the applicant that her prayer for appointment could not be considered as there was a mismatch of her father's name and date of birth in different certificates furnished in support. The applicant No. 2, thereafter, preferred a representation on 18.7.2018 in which she had enclosed copies of her Madhyamik certificate to clarify that there was no mismatch in details referred to by the respondent authorities.

As her representation dated 18.7.2018 remains unanswered, being aggrieved, the applicants have approached this Tribunal. Ld. Counsel would further submit that the applicants would be fairly satisfied if a direction is issued upon the respondent authorities to dispose of her representation in the light of orders of the Hon'ble High Court at Calcutta in WPCT No. 74/2016.

5. Ld. Counsel for the respondents does not object to such submissions of the Ld. Counsel for the applicant.

6. Accordingly with the consent of the parties, and, without entering into the merits of the matter, we hereby direct the respondent No. 2, who is the addressee respondent in the applicant's representation dated



18.7.2018, to examine and decide on her representation, if received at his end, within a period of 12 weeks from the date of receipt of a copy of this order. The said authority will decide thereupon in accordance with law, and, particularly in the light of the decisions of the Hon'ble High Court at Calcutta in WPCT No. 74 of 2016.

The decision arrived at should be conveyed to the applicant in the form of a reasoned and speaking order forthwith thereafter.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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