

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 841 of 2018

Date of order: 3.12.2019

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

MD. RAFIQULLAH ZAMADAR

... Applicants

- V E R S U S -

UNION OF INDIA & ORS. (Eastern Railway)

.... Respondents

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

For the Respondents : Mr. S.K. Das, 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 issue direction upon the respondent authorities to give appointment under the land loser scheme to the applicant forthwith;

(b) To issue further direction upon the respondent authorities to give appointment according to his educational qualification Madhyamik certificate;

(c) To quash/cancel and/or set aside the impugned order dated 18.11.2016 forthwith;

Ans

(d) Any other order or further order or orders as Your Lordships may deem fit and proper under the circumstances of the case.

(e) To produce connected departmental record at the time of hearing."

2. Heard both Ld. Counsel, examined pleadings and documents on record.

3. Ld. Counsel for the applicant would agitate that, although the land to which the applicant claims ownership had been acquired in 2012 by Railway authorities for the purpose of construction of Dankuni - Furfura Sharif New Broad Gauge Line Project, the applicant's claim for appointment was rejected vide a speaking order issued in compliance to directions in earlier O.A. No. 1871 of 2015 on the ground that he does not possess the minimum education qualification of Class X. Being aggrieved, the applicant has approached the Tribunal for relief.

Ld. Counsel for the applicant would submit that he would be fairly satisfied if an order is issued directing the respondent authorities to reconsider his prayer in the light of orders issued by the Hon'ble High Court in WPCT No. 74 of 2016.

4. Ld. Counsel for the respondents would argue that the landowner had been paid compensation in lieu of land acquired for the project. The applicant was found 'unsuitable' for appointment as he did not possess the minimum educational qualification of Xth (pass). Ld. Counsel would further contend that the Railway Board has conveyed on 16.8.2018 that the policy of appointment of landlosers is under review.

Ld. Counsel for the respondents, however, would not object to reconsideration of the applicant's representation in the light of decisions in WPCT No. 74 of 2016.

5. Therefore, we dispose of the O.A. with a direction upon the competent respondent authority to reconsider the applicant's prayer in

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the light of decisions in WPCT No. 74 of 2016 and to issue an appropriate order within 12 weeks from the date of receipt of a copy of this order.

6. The O.A. is accordingly disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP

