

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



No. O.A. 350/00773/2019

Date of order: 3.12.2019

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

RAIHANA BEGAM (KHATUN)

VS.

UNION OF INDIA & ORS. (Eastern Railway)

For the Applicant : Mr. B. Das, Counsel

For the Respondents : Ms. T. Das, Counsel

O R D E R (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. For a direction upon the respondent authorities to immediately issue appointment letter in favour of the applicant's son namely, Md. Shahimuddin Mollick in terms of notification dated 16.7.2010 and 13.8.2010 issued by the Railway authorities for appointment of land loser affected by land acquisition for Railway Projects.
- ii. For a direction upon the respondent authorities to consider with immediate effect and issue appointment letters to the applicant said son namely Md. Shahimuddin Mollick under the category/policy of appointment of land loser affected by land acquisition for Railway Projects.
- iii. Any other appropriate order and/or orders, direction and/or directions to which the applicant is otherwise entitled to in accordance with law."

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

3. Ld. Counsel for the applicant would submit that the applicant's father in law is a claimant to ownership of land acquired by the respondent authorities for construction of Dankuni - Furfurasharif New Broad Gauge Line Project. Although compensation was received, the husband of the applicant, who was the nominee of the land loser, had applied for appointment with reference to RBE No. 99/2000. No information was received from the respondent authorities but the applicant came to know through RTI that 450 number of similar land losers have been appointed by the respondent Railway authorities and further 357 land losers are being considered for offer of appointment. On 18.11.2016 (Annexure A-11 to the O.A.), the applicant wrote to the respondent No. 4 seeking consideration of appointment to her second son who was a minor at the time of land acquisition but upon obtaining majority, was eligible for such appointment. The respondent authorities, not having responded to her prayer, the applicant has approached the Tribunal seeking aforementioned relief.

4. 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 consider her prayer 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's son was underage and failed to fulfil the criteria laid down in RBE No. 99 of 2010 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.

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 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



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