

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA**

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O.A. No.350/01772/2018.
M.A. No. 350/00887/2018

Date of order : This the 21st Day of January, 2020.



Hon'ble Mrs. Bidisha Banerjee, Judicial Member

Hon'ble -Dr.(Ms) Nandita Chatterjee, Administrative Member

1. Sabana Parvin
Wife of Kazi Answar Ali aged about 46 years,
Residing at Village & P.O. Akuni Dakhin Para
Dist. Hooghly, Pin 712701.

2. Kazi Md. Hamim,
Son of Kazi Answar Ali aged about 19 years,
Residing at Village & P.O. Akuni Dakhin Para,
Dist. Hooghly, Pin 712701, West Bengal

.....Applicants

By Advocate : Mr A. Chakraborty, Ms P. Mondal.

- Versus -

1. Union of India
Service through the General Manager,
Eastern Railway,
Fairly Place, Kolkata – 700 001.
2. The Principal Chief Personnel Officer,
Eastern Railway,
Fairly Place, Kolkata – 700 001.
3. The Senior Divisional Personnel Officer,
Eastern Railway,
Howrah.

.....Respondents

By Advocate : Mr K. Sarkar

ORDER (ORAL)

DR. (MS) NANDITA CHATTERJEE, MEMBER (A):

The applicants have approached this Tribunal in second stage litigation praying for the following relief.

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a) Order No.E.368/Land Loser/C.Case/DAKE-Furfura/Sabana Parvin & Another is not tenable in the eye of law and as such the same may be quashed.

b) Leave may be granted to file this Original Application jointly under Rule 4(5)(a) of the CAT (Procedure) Rule 1987.

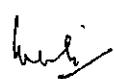
2. Heard both Ld. counsel, examined documents on record. The matter is taken up for disposal at the admission stage.

3. M.A bearing No.350/00887/2018 arising out of O.A.1772/2018 has been filed by the applicants seeking liberty to jointly pursue the Original Application. On being satisfied that the applicants share common interest and are pursuing a common cause of action, such liberty is granted under Rule 4(5)(a) of the Central Administrative Tribunal(Procedure) Rules, 1987. M.A is allowed accordingly.

The Applicant's submission articulated through her Ld. counsel, is that the mother of the applicant No.1 was a claimant to land acquired by the respondent authorities for the purpose of Dankuni Furfura Sharif, New Broad Gauge line Railway Project. Applicant No.2 is son of applicant No.1.

Upon acquisition of land, the land owner was paid compensation. Further, as notified in RBE/99/2010, an application was made by applicant No.1 for appointment of her son in terms of such notification.

Not having obtained any favourable response thereupon, the applicant had approached this Tribunal earlier in O.A.943/2018, which was disposed of on 18.07.2018 with a direction on the respondent authorities to issue a reasoned order, and, in case the applicant's grievance were found to be genuine, to take expeditious steps in granting consequential benefits.



The respondent authorities issued a speaking order dated 08.10.2018 (Annexure-A6 to the O.A), whereby they rejected the scope of appointment of applicant No.2 on the ground that he did not fulfill the requisite criteria of age and education at the material point of time of acquisition of land. Aggrieved with the rejection order the applicants have approached this Tribunal praying for aforesaid relief.



Ld. Counsel for the applicants would further urge that a direction may be issued on the respondent authorities to re-consider their prayer in terms of the direction of the Hon'ble High Court at Kolkata in WPCT No.74/2016.

4. Ld. counsel for the respondents would not object to re-consideration of their prayer in terms of the decision of the Hon'ble High Court at Kolkata rendered in WPCT No.74/2016.

5. Accordingly, without entering into the merits of the O.A, and, with the consent of the parties, we hereby direct the competent authorities to re-consider the prayer of the applicant in the light of the decision of Hon'ble High Court at Calcutta in WPCT No.74/2016. The concerned respondent authority shall thereafter convey his decision, taken in accordance with law, in the form of a speaking order to the applicant within a period of 12 weeks from the date of receipt of a copy of this order.

With these directions O.A is disposed of. No costs.

(DR (MS) NANDITA CHATTERJEE)
MEMBER (A)

(BIDISHA BANERJEE)
MEMBER (J)

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