

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**LIBRARY**

No. O.A. 350/00105/2020

Date of order: 13.2.2020

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member**SOUVIK SARKAR****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 applicant has approached this Tribunal 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 to the applicant under the Land Loser Scheme forthwith according to WPCT No. 74/2016;

(b) To issue further direction upon the respondent authorities to quash/cancel and/or set aside the impugned order dtd. 19.11.2018 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. ”

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

lsp

3. Ld. Counsel for the applicant would submit that the applicant is a land loser as his land was acquired for the Special Railway Project Dankuni Furfurasharif, New Broad Gauge Line and compensation was received thereupon.

The applicant applied for appointment in terms of RBE No. 99 of 2010, and, not having received any favourable response, approached this Tribunal in first stage litigation in O.A. No. 770 of 2017 which was disposed of on 5.7.2018 with liberty to the applicant to prefer a comprehensive representation to the appropriate authority and the respondent authorities were directed to dispose of the same in a time bound manner. The respondent authorities thereafter issued a speaking order on 19.11.2018 whereby they rejected his claim on the ground that he was overaged at the material point of time.

Being aggrieved, the applicant has approached this Tribunal in the second stage litigation and his Ld. Counsel would submit that the applicant would be satisfied if directions are issued on the concerned respondent authority to decide on his prayer afresh in the light of judgment of Hon'ble High Court at Calcutta in WPCT No. 74 of 2016.

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

5. Accordingly with the consent of the parties, and, without entering into the merits of the matter, we hereby direct the competent respondent authority to reconsider the prayer of the applicant for appointment and to decide on his representation within a period of 12 weeks from the date of receipt of a copy of this order. The said authority will decide 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.

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

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP

