

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 350/01690/2019
M.A. 350/00992/2019

Dated: 9.10.2020

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

1. Kerima Sekh,
Daughter of Alauddin @ Alauddin Molla,
Wife of Sekh Nizam,
Aged about 45 years,
By Occupation – Unemployed,
Residing at Vill. Nababhat,
P.O. – Faguapur,
P.S. – Burdwan Sadar,
District – Burdwan East,
Pin – 713104.

2. Sk. Younus,
Son of Sekh Nijam,
Aged about 25 years,
By Occupation – Unemployed,
Residing at Vill. Nababhat,
P.O. – Faguapur,
P.S. – Burdwan Sadar,
District – Burdwan East,
Pin – 713104.
West Bengal.

... Applicants

- VERSUS -

1. Union of India,
Service through the Secretary
to the Govt. of India,
Ministry of Information and Broadcasting,
BA-P, Section A Wing, Shastri Bhawan,
New Delhi – 110001.
2. The Director General,
All India Radio,
Sansad Marg,
New Delhi – 110001.
3. The Under Secretary



to the Government of India,
Ministry of Information and Broadcasting,
BA-P, Section A Wing, Shastri Bhawan,
New Delhi - 110001.

4. The Additional Director General/
Eastern Zone, Director,
4th Floor, Akashbani Bhawan,
All India Radio,
Eden Garden,
Kolkata - 700001.
5. The Competent Authority/
LA & Special Land Acquisition Officer,
Office of the Collector, Burdwan,
Kacchari Road, Kalibazar Para,
Dist. Burdwan; Pin - 713101.

... Respondents.

For the Applicants : Mr. T.K. Biswas, Counsel
Mr. A. Chakraborty, Counsel

For the Respondents : Mr. S. Paul, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicants have approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "(a) An order do issue directing the respondents to appoint the applicant No. 2 in Group 'D' post under the land losers category at an early date, and further directing the respondents to consider the representation dated 21.12.2019 (Annexure A-4) within specific period;
- (b) Such other order or orders and/or direction or directions as to Your Lordships may deem fit and proper.
- (c) Leave may be granted to move this application jointly under Rule 4(5)(a) of the CAT Procedure Rules, 1987."

2. An M.A. No. 992/2019 filed with respect to O.A. No. 1690/2019 has been filed praying for joint prosecution of O.A. by applicant No. 1 and applicant No. 2 (mother and son) claiming to be land owners as per Annexure A-1 to the O.A. As the applicants share common grievance,

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common cause of action and common interest, the M.A. is allowed under Rule 4(5)(a) of Central Administrative Tribunal (Procedure) Rules, 1987 subject to payment of individual court fees by each applicant.

3. Ld. Counsel for the applicant would submit that the land of the applicants was acquired by the respondents for construction of a Station of All India Radio at Burdwan, West Bengal. Consequent to such acquisition, compensation was reportedly granted by the respondents. As this land was the sole source of income of the family, such acquisition subjected them to abject poverty, and the applicants had approached the respondents for appointment of applicant No. 2 but to no avail.

The applicants, however, came to learn that some similarly circumstanced incumbents, namely, Sanat Kumar Mallik, Monojit Mallik, Sk., Nuruddin and Sk. Samiuddin, who were similarly circumstanced as the applicants had represented for appointment and that such representations are under active consideration of the respondent authorities. Ld. Counsel, would, hence, urge that the respondents be directed to urgently consider the representation of applicant No. 1 at Annexure A-4 to the O.A. in which she had sought appointment of her son in the land losers category.

4. Ld. Counsel for the respondents, however, would rebut the claim of the applicants stating that no land was acquired by the office of All India Radio, Kolkata nor was any appointment made in the land losers' category by the said Office and that land acquisition, if any, is a process undertaken by the concerned State Government and not by any authority under Government of India.

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Ld. Counsel for the respondents would also vociferously argue that no Scheme was ever drawn up by the respondent authorities i.e. All India Radio to provide appointments to land losers of any category.

Ld. Counsel, however, would not object to disposal of the applicant's representation in accordance with law.

5. Hence, with the consent of the parties we would direct respondent No. 4, who is the Additional Director General/Eastern Zone, Director, 4th Floor, Akashbani Bhawan, All India Radio, Eden Garden, Kolkata - 700 001, to accord a personal hearing to the concerned applicants (if he is in receipt of the representation at Annexure A-4 the O.A.) within a period of 16 weeks from the date of receipt of a copy of this order. The applicants are also hereby directed to attend such hearings with necessary documents in support of their claim, once so notified by the office of respondent No. 4.

Respondent No. 4 shall thereafter, and, if so necessary, obtain the approval of the competent authorities so as to decide on such representation in accordance with law and, particularly, with reference to the Scheme, if any, for appointment to land losers formulated by the All India Radio, and similarity of circumstances of the applicant No. 2 to appointees, if any, under such Scheme.

Such decision should be conveyed to the applicants in the form of a reasoned and speaking order within a further period of 12 weeks from the dates of such personal hearing.

We make it clear, however, that we have not entered into the merits of the matter and the respondents are at liberty to decide strictly in accordance with law.

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

M.A. No. 992 of 2019 is also disposed of in accordance with directions at para 2 above subject to payment of individual court fees.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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