

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 350/00347/2020
M.A. 350/00203/2020

Dated: 9.10.2020

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

1. Sujit Mallick,
Son of Late Umapada Mallick,
Aged about 55 years,
By Occupation – Unemployed,
Residing at Vill. Nababhat,
P.O. – Faguapur,
P.S. – Burdwan Sadar,
District – Burdwan East,
Pin – 713104.

2. Palash Mallick,
Son of Sujit Mallick,
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

- V E R S U S -

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

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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, who claim to be land losers in connection with construction of an All India Radio Station at Burdwan, West Bengal, 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 2.12.2019 (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. M.A. No. 203/2020 filed with respect to O.A. No. 347/2020 praying for liberty for joint prosecution of the respective O.A. is allowed on grounds of commonality of interest and common cause of action and are

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accordingly disposed of under Rule 4(5)(a) of Central (Procedure) Rules, 1987 subject to payment of individual court fees by each applicant.

3. The brief facts of the case, as submitted through the Ld. Counsel for the applicants is that, the land belonging to the applicants was acquired by the State Government for the purpose of construction of a Station of All India Radio at Burdwan, West Bengal. The applicants would allege that as the main source of their income, namely, land was acquired by the concerned Government, they were subjected to abject poverty, and, hence, had approached the authorities praying for appointment in lieu of acquisition of their land.

The applicants would further aver that certain similarly circumstanced incumbents, namely, Sanat Kumar Mallik, Monojit Mallik, Sk. Nuruddin and Sk. Samiuddin had preferred applications which are under active consideration of the appropriate authorities, and, that, although the applicants herein had applied to the respondent authorities for appointment vide their respective representations at Annexure A-4 to the O.A., such representations are yet to merit consideration. Hence, they would pray that the authorities be directed to dispose of such representations in a time bound manner.

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 any appointment was ever 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.

The Ld. Counsel, however, would not object to disposal of representations 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 - 700 011, to accord a personal hearing to the concerned applicants (if he is in receipt of the representation at Annexure A-4 to 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 and the respondents are at liberty to decide strictly in accordance with law.

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S o.a. 350.00347.2020 with m.a. 350.00203.2020

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

M.A. No. 203 of 2020 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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