

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

LIBRARY

Date of order: 20.4.2021

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

1) No. O.A. 350/00267/2021

Rajkumar Kar,
 Son of Gadadhar Kar,
 Aged about 32 years,
 By Occupation – Unemployed,
 Residing at Village – Shripur,
 P.O. – Shripur,
 P.S. – Goghat,
 District – Hooghly,
 Pin – 712612.

2) No. O.A. 350/00268/2021

Prasenjit Mondal,
 Son of Ashok Mondal,
 Aged about 33 years,
 By Occupation – Unemployed,
 Residing at Village – Mosinapur,
 P.O. – Joyrambati,
 P.S. – Kutulpur,
 District : Bankura,
 Pin – 722 161.

3) No. O.A. 350/00269/2021

Chinmoy Panja,
 Son of Sujit Panja,
 Aged about 24 years,
 By Occupation – Unemployed,
 Residing at Village – Gopinathpur,
 P.O. – Gopinathpur,
 P.S. – Kotulpur,
 District – Bankura,
 Pin – 722 161.

4) No. O.A. 350/00270/2021

Asit Kumar Barui,
 Son of Ganesh Barui,
 Aged about 58 years,

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o.a. 267.2021, o.a. 268.2021, o.a. 269.2021,
o.a. 270.2021, o.a. 271.2021, o.a. 272.2021,
o.a. 273.2021, o.a. 274.2021, o.a. 278.2021,
o.a. 279.2021

By Occupation – Unemployed,
Residing at Village – Kamarpukur,
P.O. – Kamarpukur,
P.S. – Goghat,
District – Hooghly,
Pin – 712 612.

5) No. O.A. 350/00271/2021

Jagabandhu Ghosh,
Son of Shambhunath Ghosh,
Aged about 52 years,
By Occupation – Unemployed,
Residing at Village – Senai,
P.O. – Senai,
P.S. – Goghat,
District – Hooghly,
Pin – 712611.

6) No. O.A. 350/00272/2021

Chandra Sekhar Singha Roy,
Son of Ashok Kumar Singha Roy,
Aged about 43 years,
By Occupation – Unemployed,
Village – Kamarpukur,
P.O. – Kamarpukur,
P.S. – Goghat,
District – Hooghly,
Pin – 712612.

7) O.A. No. 350/00273/2021

Jewel Mondal,
Wife of Ujjwal Kumar Mondal,
Aged about 31 years,
By Occupation – Unemployed,
Residing at 5/16, Einstein Avenue,
B-Zone, Durgapur,
P.S. – Durgapur,
District – Burdwan,
Pin – 713205.

8) O.A. No. 350/00274/2021

Shiba Prasad Khan,
Son of Niranjan Khan,
Aged about 54 years,
By Occupation – Unemployed,

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o.a. 267.2021, o.a. 268.2021, o.a. 269.2021,
 o.a. 270.2021, o.a. 271.2021, o.a. 272.2021,
 o.a. 273.2021, o.a. 274.2021, o.a. 278.2021,
 o.a. 279.2021

Residing at Village – Sripur,
 P.O. – Sripur,
 P.S. – Goghat,
 District – Hooghly,
 Pin – 712614.

9) O.A. No. 350/00278/2021

Sourav Karpsha,
 Son of Jiban Gopal Kharpha,
 Aged about 23 years,
 By Occupation – Unemployed,
 Village – Jamalpur,
 P.O. – Karat,
 P.S. – Burdwan,
 District – Purba Burdwan,
 Pin – 713101.

10) O.A. No. 350/00279/2021

Tapan Kumar Dey,
 Son of Durgapada Dey,
 Aged about 57 years,
 By Occupation – Unemployed,
 Residing at Village – Becharhat Colony,
 P.O. – Sreepally,
 P.S. – Burdwan,
 District : Burdwan,
 Pin – 713205.

.... **Applicants**

- V E R S U S -

1. **Union of India,**

Service through the General Manager,
 Eastern Railway,
 Fairlie Place,
 17, Netaji Subhas Road,
 Kolkata – 700 001.

2. **The Chief Personnel Officer,**

Eastern Railway,

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o.a. 267.2021, o.a. 268.2021, o.a. 269.2021,
o.a. 270.2021, o.a. 271.2021, o.a. 272.2021,
o.a. 273.2021, o.a. 274.2021, o.a. 278.2021,
o.a. 279.2021

Fairlie Place,
17, Netaji Subhas Road,
Kolkata – 700 001.

3. The Chief Administrative Officer (Construction),

Eastern Railway,
Koilaghat,
3 No. Koila Ghat Street,
Kolkata – 700 001.

4. The Dy. Chief Engineer (Construction),

Eastern Railway,
Howrah Division,
Howrah,
P.O. – Howrah,
District – Howrah,
Pin – 711 001.

5. The Senior Divisional Personnel Officer,

Eastern Railway,
Howrah Division,
Howrah,
P.O. – Howrah,
District – Howrah,
Pin – 711 001.

6. The Divisional Railway Manager,

Eastern Railway,
Howrah Division,
Howrah,
P.O. – Howrah,
District – Howrah,
Pin – 711 001.

7. The Competent Authority for Land Acquisition,

Eastern Railway,
Koilaghat,
3 No. Koila Ghat Street,
Kolkata – 700 001.

..... Respondents

[Signature]

For the Applicants : **Mr. N. Roy, Counsel**

For the Respondents : **Mr. N.D. Bandyopadhyay, Counsel**

ORDER (Oral)

Dr. Nandita Chatterjee, Administrative Member:

The applicants have approached this Tribunal in each of these O.A.s, praying for the following relief:-

"(a) An order directing the respondents, particularly the Divisional Railway Manager, Eastern Railway, Howrah Division, Howrah, to grant appointment under Land Loser Category by considering the application submitted by the applicant in prescribed format for appointment in Railway Service against the Land Loser Category.

(b) To pass such other order or orders, direction or directions as Your Lordships may deem fit and proper."

2. As identical relief has been sought in each of these O.A.s, involving similar factual as well as legal issues, these O.A.s are being disposed of with a common order.

3. Heard both Id. Counsel, examined documents on record. These matters are being taken up for disposal at the admission stage.

4. Id. Counsel for the applicant would submit that the applicants belong to the Land loser category, and, that their land had been acquired for the purpose of construction of Rail Link to Tarakeswar-Bishnupur Broad Gauge Railway Line. That, although the applicants have

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received a nominal compensation, they have approached the authorities praying for appointment in terms of RBE No. 99/2010 wherein it had been stated that appointment will be given to land losers affected by land acquisition for Railway Projects, subject to fulfillment of requisite criteria.

5. The applicants, thereafter, had represented individually at Annexure A-2 to the respective O.A.s in which they had claimed eligibility in terms of RBE No. 99/2010 and Ld. Counsel would urge that a direction be issued on the respondent authorities to dispose of the representations in a time bound manner as well as in the light of judgment and orders in **WPCT No. 74/2016 (Union of India & ors. v. Lakshman Chandra Bhandary & ors.)**.

6. As the representations are admittedly pending at the level of the respondent authorities, no useful purpose would be served in calling for replies to these Original Applications.

7. Accordingly, without entering into the merits of the matter, the addressee respondent authority or any other competent respondent authority are hereby directed to examine the contents of the representation at Annexure A-2 to each of the O.A.s, if received at their end, within a period of 16 weeks from the date of receipt of a copy of this order.

The said authority shall decide in accordance with law, and, particularly, with reference to the judicial decisions as cited by Ld. Counsel for the applicant during hearing, and convey such decision in the form of a reasoned and speaking order to each of the applicants. In the



o.a. 267.2021, o.a. 268.2021, o.a. 269.2021,
o.a. 270.2021, o.a. 271.2021, o.a. 272.2021,
o.a. 273.2021, o.a. 274.2021, o.a. 278.2021,
o.a. 279.2021

event, the applicants' claims are accepted, consequent actions may be finalized within a period of 12 weeks thereafter.

8. With these directions, these O.A.s are disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

SP