

LIBRARY

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 350/00374/2021
M.A. 350/00153/2021

Date of order: 20.4.2021

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

1. **Purna Chandra Roy,**
Son of Late Ganapati Roy,
Vill. Mirga, P.O. Mirga Chatra,
P.S. Goghat, Dist. Hooghly,
Pin – 712602.
2. **Dibakar Dhara,**
Son of Sri Kajal Dhara,
Vill. Bhabadighi,
P.O. Katali,
Dist. Hooghly,
Pin – 712 612.
3. **Susanta Kr. Dey,**
Son of Late Jagannath Dey,
Vill. & P.O. Kamarpukur,
Dist. Hooghly,
Pin – 712 612.
4. **Muktaram Kundu,**
Son of Sri Dilip Kundu,
Vill. Nobason,
P.O. Goghat,
P.S. Goghat,
Dist. Hooghly,
Pin – 712 614.
5. **Biswajit Modak,**
Son of Sri Mohan Modak,
Vill. & P.O. Kamarpukur,
P.S. Goghat,
Dist. Hooghly,
Pin – 712612.
6. **Mintu Dhara,**


Son of Sri Ajit Dhara,
Vill. Dasghara,
P.O. Kamarpukur,
P.S. Goghat,
Dist. Hooghly,
Pin - 712612.

7. **Tanmay Nandi,**
Son of Sri Sahadev Nandi,
Vill. Dasghara,
P.O. Kamarpukur,
P.S. Goghat,
Dist. Hooghly,
Pin - 712 612.

8. **Santanu Pal,**
Son of Sri Asit Baran Pal,
Vill. Arambagh,
P.O. & P.S. Arambagh,
Dist. Hooghly,
Pin - 712 602.

9. **Arpan Roy,**
Son of Sri Ram Prasad Roy,
Vill & P.O. Mirga Chatra,
P.S. Goghat,
Dist. Hooghly,
Pin - 712 612.

10. **Monoranjan Dhara,**
Son of Sri Nipendra Dhara,
Vill. Dasghara, P.O. Kamarpukur,
P.S. Goghat, Dist. Hooghly,
Pin - 712612.

..... **Applicants**

- V E R S U S -

1. **Union of India,**
Through the General Manager,
17, N.S. Road,

hsl
/

Kolkata – 700 001.

2. **The Principal Chief Personnel Officer,**
Eastern Railway,
17, N.S. Road,
Kolkata – 700 001.
3. **The Divisional Railway Manager,**
Eastern Railway, Howrah Division,
Howrah – 711 101.
4. **The Deputy Chief Engineer (Constrn. – I),**
Eastern Railway,
Howrah Division,
Howrah – 711 101.

.... Respondents

For the Applicants : Mr. N. Roy, Counsel

For the Respondents : Ms. T.P. Sinha, Counsel

ORDER (Oral)

Dr. Nandita Chatterjee, Administrative Member:

The applicants, whose land have been acquired for Special Railway Project namely, Tarakeswar – Bishnupur Railway Project New B.G. Line, have approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "(a) To issue direction upon the respondent to consider the representation for appointment land loser scheme forthwith.
- (b) To issue direction upon the respondent to immediately issue appointment letter in favour of the applicant in terms of Government Notification dated

hph

16.07.2010 and 13.8.2010 for appointment of land loser affected by land acquisition of Railway Project.

- (c) To issue further direction upon the respondent authorities to consider with immediate effect and issue appointment letters to the Applicant under the category/Policy of Appointment of land losers effected by land acquisition for Railway Project.
- (d) Any other order or further order or orders has learned Tribunal deem fit and proper.
- (e) To produce Connected Departmental Record at the time of Hearing."

2. The applicants are distinct landlosers aspiring for individual appointments and hence cannot be said to be sharing a common cause of action. Hence, this O.A. will proceed only with reference to applicant No. 1 with liberty to other applicants to act as per law.

3. Heard both Id. Counsel, examined documents on record. This matter is taken up for disposal at the admission stage.

4. Id. Counsel for the applicant would submit that the applicant's land was acquired and compensation paid towards the purpose of Special Railway Project namely, Tarakeswar – Bishnupur Railway Project New B.G. Line. Although the applicant had thereafter prayed for employment in terms of RBE No. 99 of 2010, no offer was forthcoming from the Railway authorities.

Id. Counsel for the applicant would also refer to the orders of this Tribunal in O.A. No. 526 of 2015 (Biswanath Mal & ors.), O.A. No. 350/01539/2015 (Syed Abdul Basir & anr.), O.A. 350/01094/2015 (Miranur Rahaman Akhan & ors.), as well as Hon'ble Apex Court's decision in Special Leave to Appeal (Civil) No. 22795/2013 (Union of India & ors. v.

help

Pradeep Kumar Pandey & ors.) (Annexure A-5 collectively to the O.A.) in support of his claim.

Ld. Counsel for the applicant, however, would very candidly submit that the applicant has not cited any supporting judicial decisions in his representation and would pray for liberty to withdraw this O.A., and, to prefer a comprehensive representation citing rules and judicial decisions in support of his claim.

5. Accordingly, the applicant is permitted to withdraw this O.A. with liberty to prefer a comprehensive representation citing rules and judicial decisions in support within 4 weeks from the date of receipt of a copy of this order. Once received, the addressee or any other competent respondent authority shall decide on the said representation in accordance with law, examine the applicability of the judicial decisions so cited, and, thereafter, convey their decision in the form of a reasoned and speaking order to the applicant within a further period of 16 weeks thereafter.

6. With these directions, the O.A. and associated M.A. No. 350/00153/2021 are disposed of as withdrawn.



(Dr. Nandita Chatterjee)
Administrative Member

SP