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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

OA. 350/734/2020
MA. 350/442/2020

Date of order: 07.12.2020

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

1. Asura Begam wife of Late Sk. Hossain
Residing at Vill- Suchia Paschim Para,
P.O.- Masat, P.S.- Chanditala, Dist-
Hooghly, State- West Bengal, Pin-
712 701.
2. Saddam Hossain Mallick, son of Ulfat
Hossain Mallick, residing at Vill- Nawabpur
Duahkalami Dharapara, P.O.—Jangalpara,
P.S. Chanditala, Dist- Hooghly, State-
West Bengal, Pin- 712 701.

.....Applicants.

-versus-

1. Union of India represented by the General
Manager, Eastern Railway, 17, Netaji
Subhas Road, Kolkata- 700001.
2. The Principal Chief Personnel Officer,
Eastern Railway, 17, N.S. Road, Kolkata-
700001.
3. Divisional Railway Manager, Howrah
Division, Eastern Railway, Howrah Railway
Station, Howrah- 711001.

.....Respondents.

For the Applicant : Mr. B. Bhushan, Counsel

For the Respondents : Mr. D. Basak, Counsel



O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard ld. Counsel for both the parties.

2. This application has been filed by the applicant to seek the following reliefs:

- (a) *Direction upon the respondents no. 1 and 2 to substitute the name of the applicant no. 2 in place of the applicant no. 1 for the grant of employment upon taking undertaking to that effect.*
- (b) *Mandatory direction upon the respondents no. 1 and 2 issue an order of appointment in favour of the applicant commensurate to his eligibility.*
- (c) *Cause of production of entire records;*
- (d) *Cost of the suit;*
- (e) *Any other order or orders as this Hon'ble Tribunal may deems fit and proper."*

3. At hearing, learned counsel for applicant would pray for liberty of this Tribunal to withdraw the present OA to prefer a comprehensive representation to the Railway Authority to seek employment of Asura Begam, within a period of 15 days from the date of receipt of a copy of this order.

ld. Counsel also submits that the applicant had preferred a representation for seeking employment in the year of 2012 which has not been considered and thereafter in the year of 2020 she has preferred a representation seeking employment of her brother.

4. ld. Counsel for respondents disputed the fact that the applicant no. 2 is the brother of applicant no. 1. He would draw our attention at page 8 of the application and the cause title where Saddam Hossain Mallick, the applicant no. 2 has declared himself as the son of Ulfat Hossain Mallick whereas in the affidavit at page 17 of the OA, Asura Begam is declared as the daughter of one Sk. Fakir Ali Mollah and even as a brother he has no right.



5. Accordingly, in view of the dispute as noted above, we dispose of this OA with liberty to the applicant no 1 to prefer a comprehensive representation to the Railway Authority seeking her employment as the land looser, within a period of 15 days from the date of receipt of a copy of this order. In the event such representation is preferred by the applicant, the competent respondent authority shall consider the same in accordance with law and pass appropriate orders within a period of 3 months and communicate the decision thereof to the applicant thereafter.

6. It is made clear that we have not entered into the merits of the matter and therefore all points to be raised in the representation are kept open for the authorities to consider.

7. Accordingly, the OA is disposed of with the aforesaid directions and consequently MA also stands disposed of.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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