

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/00929/2020
M.A. 350/00515/2020

Date of order: 23.11.2020

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

1. Swapan Ghosh,
Son of Late Gangadhar Ghosh,
By faith – Hindu, by occupation – Gold Smith,
Residing at Mouza – Banipur,
Village – Banipur,
Post Office – Akuni,
District – Hooghly, PIN – 712102.
2. Subhojit Ghosh,
Son of Swapan Ghosh,
By faith – Hindu, by occupation – Unemployed Youth,
Residing at Mouza – Banipur,
Village – Banipur,
Post Office – Akuni,
District – Hooghly, PIN – 712102.

..... Applicants.

Versus

1. The Union of India,
through the General Manager,
Eastern Railway,
17, N.S. Road,
Kolkata – 700 018.
2. The Principal Chief Personnel Officer,
Having his office at Eastern Railway,
17, N.S. Road,
Kolkata – 700 001.
3. The O.S.D,
Having its office at Eastern Railway,
17, N.S. Road,
Kolkata – 700 001.

..... Respondents.

For the Applicant : Mr. B. Chatterjee, Counsel
Ms. S. Saha, Counsel

For the Respondents : Ms. C. Mukherjee, Counsel

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ORDER (Oral)**Per Dr. Nandita Chatterjee, Administrative Member:**

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:

- "a) To issue direction upon the respondent authorities to consider applicants appointment under the land losers scheme in terms of Order dated 27.9.2019 passed by the Hon'ble Bidisha Banerjee, Judicial Member and Hon'ble Dr. Nandita Chatterjee, Administrative Member.
- b) To issue further direction upon the respondent authorities according to R.B. Circular No. 99 of 2010 under the Land Loser Scheme forthwith.
- c) Any other order or further order or orders as the Learned Tribunal may deem fit and proper under the circumstances of the case.
- d) To produce concerned Department Record at the time of hearing of the case.
- e) Leave may be granted to file this Joint Application under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987."

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

3. An M.A. bearing No. 350/00515/2020 has been preferred by two applicants, being father and son, who share a common interest and common cause of action in the instant matter. Accordingly, liberty is granted for joint prosecution under Rule 4(5)(a) of Central Administrative Tribunal (Procedure) Rules, 1987.

M.A. is disposed of subject payment of individual court fees.

4. Ld. Counsel for the applicant would submit that the applicant No. 1 was the owner of R.S. Plot No. 209, L.R. Plot No. 216/553, ROR 647 area in acre 0.0345/0.043 of land at Mouza – Banipur, J.L. No. 5, Khatian No. 647. The said land was handed over to the Railways on 17.4.2012 for construction of Dankuni – Furfura Sharif New B.G. Line.

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Ld. Counsel would submit that the applicants and their family was largely dependant on such land for survival. Hence, thereafter, the applicant No. 1 represented to the concerned authorities for appointment of his son, applicant No. 2 in terms of RB Circular No. 99/2010.

The applicants would urge that, although such application was preferred on 14.9.2020, and as no decision has been received thereupon, the O.A. may be disposed of by directing the respondent authorities to undertake an identical exercise as directed by the Hon'ble High Court at Calcutta in **WPCT No. 74 of 2016 (Union of India & ors. v. Lakshman Chandra Bhandary & ors.)** (Annexure A-5 to the O.A.).

Ld. Counsel for the applicant would also pray that a similar order may be issued as in O.A. No. 350/01823/2016 disposed of by this Tribunal on 16.3.2020 (Annexure A-4 to the O.A.).

5. Ld. Counsel for the respondents would not object to disposal of such representation in accordance with law.

6. Accordingly, in view of the directions of the Hon'ble High Court (supra), and, in the interest of justice, the respondents are directed to undertake an identical exercise as directed by the Hon'ble High Court in **WPCT No. 74 of 2016 (Union of India & ors. v. Lakshman Chandra Bhandary & ors.)**, and, thereafter, dispose of the pending representation of the applicants within a period of 16 weeks from the date of receipt of a copy of this order.

7. With these directions, the O.A. is disposed of.

M.A. No. 515 of 2020 is also disposed of subject to payment of individual court fees.


(Dr. Nandita Chatterjee)
Administrative Member