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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application No. 1014 of 2007

Wednesday this the 17th day of October, 2007

Hon'ble Mr. K.S. Menon, Member (A)

Laxman Prasad S/o Shri Shive Nth R/o Village Chhitam Pur, Post Office- Mugal Sarai, Distt.-Chandauli.

By Advocate Sri R.K. Upadhyay

Applicant

Versus

1. Union of India through its Secretary (Mins of the Railway), New Delhi.
2. The Divisional Railway Manager Mugal Sarai, East Central Railway, Mugal Sarai.
3. The Divisional Railway Manager, Mugal Sarai, East Central Railway.
4. The Chief Engineer (Construction) East Central Railway, Mugal Sarai.
5. The Distt. Magistrate-Chandauli/Varanasi, Distt.-Chandauli and Varanasi.
6. Pargana Adhikari Distt.-Chandauli and Varanasi.

By Advocate Sri P.N. Rai

Respondents

By K.S. Menon, Member (A)

Learned counsel for the applicant says that this O.A. has been filed against the Order of respondent No.2 dated 24.08.2007 whereby the representation of the applicant dated 23.02.2006 has been rejected on the ground that name of the applicant has not been recommended by the Civil Authorities (District Magistrate, Chandauli and Varanasi). It is also observed that this impugned

order dated 24.08.2007 has been passed in compliance with the directions of this Tribunal dated 07.06.2007 in O.A. No. 597 of 2007.

2. In the aforesaid Order, the Tribunal had directed the respondents to consider the case of the applicant and pass a speaking order. The impugned order dated 24.08.2007 is a speaking order passed by the General Manager, E.C. Railway in compliance of the said direction of the Tribunal.

3. The applicant's counsel states that the Civil Authorities have not communicated the correct position to the Railways and in the list of 16 persons that has been reflected in the Order dated 24.08.2007, contains names of people whose lands have not been acquired and yet their names have been considered for grant of appointment under One Job ~~for~~ Family Scheme, whereas the applicant whose land has been acquired, has not been considered for appointment and his case has been rejected.

4. Heard, the counsel for the applicant at length and also the respondents' counsel and have perused the documents that have been placed before ^{me} ~~me~~

5. It is seen from the order dated 24.08.2007 issued by the General Manager, E.C. Railway that there were 337 joint land owners for 142 plots. There was a dispute between villagers, Railway administration and civil authorities in connection with possession of land and for giving employment to the land losers for the acquisition of land by Railways. In order to resolve this issue, a meeting of affected parties was convened on 20.06.1989 and many other points discussed. The following two points were discussed in detail: -

{i} The difference of opinion in the definition of "displaced person" who are to be given appointment as per the Railway Board's letter dated 01.01.1983.

{ii} Regarding offer of appointment of one job ~~for~~ family.

(3)

It was also decided in the said meeting that the matter would be referred to the Railway for their clarification and the decision of the Board will be binding on all the parties. Accordingly a reference was made to the Railway Board on 26.06.1989 and the clarification receipt from the Railway Board lays down that only those families who are displaced physically due to acquisition of their houses, or whose livelihood is materially affected by the acquisition of land can be considered for job at the rate of one per family. The matter was then referred to the District Magistrate on receipt of Railway Board's clarification to make available the list of families who have been displaced physically due to acquisition of their houses or whose livelihood was materially affected by the acquisition of land for the construction of RDSO Test Track at Mughalsarai. The District/Civil Authorities have forwarded the list to the Railways in which name of 16 persons who have been affected by such land acquisition was shown. The name of the applicant has not been recommended by the Civil Authorities i.e. District Magistrate, Chandauli as his livelihood has not materially been affected due to acquisition of land and hence his application of employment in the Railways was not accepted as per rules.

6. The same issue, which is now being agitated in the present O.A., was also the subject matter in O.A. No. 597 of 2007 which has been heard by this Tribunal and the respondents were directed to pass a speaking order in the case. I ^{am} satisfied that speaking order passed by the respondents on 24.08.2007 in compliance of this Tribunal's Order dated 07.06.2007 is a very reasoned and speaking order and does not require any further adjudication in the matter. Therefore, I find that the O.A. is devoid of merit and no useful purpose would be served to keep pending this O.A. Accordingly, this O.A. is dismissed with no order as to costs.

Emerson
Member (A)