

16

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 422 of 2012
Cuttack, this the 12th day of September, 2014

Durga Prasad Moharana Applicant
Versus
Union of India & Ors. Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?
2. Whether it be referred to PB for circulation?


(A.K.PATNAIK)
Member (Judicial)

17

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 422 OF 2012
Cuttack, this the 12th day of September, 2014

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

.....

Durga Prasad Moharana,
Aged about 33 years,
S/o Sri Surendra Moharana,
Resident of Village Bachhara Patna,
PO/PS- Jatni, Dist- Khurda.

.....Applicant
Advocate(s)... M/s. S.S.Das, R.K.Sahoo, K.C.Mohapatra)

VERSUS

Union of India represented through

1. The General Manager (P),
East Coast Railways, Khurda Road,
At/PO-Chandrasekharpur, Bhubaneswar,
P.S.- Mancheswar, Dist-Khurda.
2. Divisional Railway Manager,
East Coast Railways, Khurda Road,
At/PO- Khurda Road, P.S.- Jatni, Dist-Khurda.
3. Divisional Personnel Officer,
East Coast Railways, Khurda Road,
At/PO- Khurda Road, P.S.- Jatni, Dist-Khurda.

..... Respondents

Advocate(s)..... Mr. T. Rath

O R D E R (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Alleging non-consideration of his case for appointment on the strength of the Railway Board's instruction issued vide No. E (NG) 11/2010/RC-5/1 dated 16th July, 2010 under Annexure-2 due to acquisition of land by the Railway for the purpose of Khurda Road-Bolangir New B.G.



Link Project in the year 1999, this OA has been filed by the applicant seeking the following relief:

“(A) Let the Respondent Authorities be directed to consider the case of the applicant for appointment under the Rehabilitation Assistance Scheme as referred to by the applicant vide Annexure-2 as a land loser, whose family has been affected by the Land Acquisition made for the Railway project namely Khurda Road-Balangir New B.G. Rail Link Project;

B) Let the Respondent Authorities be further directed to issue necessary orders of appointment in favour of the applicant against any available vacancy commensurate to his qualification within a stipulated time frame, while disposing of his application made in the regard;

C) Any other order(s)/direction(s) deem fit and proper under the facts and circumstances of the case in the bonafide interest may kindly be passed.”

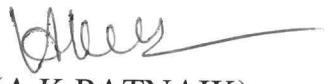
2. None appears for the applicant. Heard Mr. T. Rath, Ld. Standing Counsel appearing for the Respondent-Railways and, with his aid and assistance, perused the materials placed on record.

3. We find that the Railway Board instruction, dealing for providing appointment to the land losers affected by land acquisition for railway project and based on which the applicant seeks the relief, is dated 16.07.2010 in which it has specifically been provided that the said instruction will not be applicable in the cases where land acquisition process has been concluded by way of possession of land by Railway. Admittedly, in the instant case land acquisition process has been concluded much prior to the instruction dated 16.07.2010. Law is well settled that every instruction, unless and otherwise specifically provided therein, cannot have retrospective effect. The instruction dated 16.07.2010 does not show that the same has retrospective effect.



4. In view of the above, I do not find any merit in this case.

Hence, this O.A. stands dismissed. There shall be no order as to costs.


(A.K.PATNAIK)
MEMBER(Judl.)

RK