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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No. 1032 of 2012

Cuttack, this the 15th day of January, 2013

CORAM

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

HON'BLE MR.R.C.MISRA, MEMBER(ADMN.)

Krushna Chandra Nayak,
Aged about 19 years,
Son of Shri Surendra Nayak,
Village-Barapada,
PO-Godiputmatiapada,
PS-Delanga,
Dist. Puri.

....Applicant

(By Advocate :M/s.S.S.Das,K.C.Mohapatra)

-VERSUS-

Union of India represented by-

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

.....Respondents

(By Advocate : Mr.T.Rath)



O R D E R (oral)**A.K.PATNAIK, MEMBER (I):**

Alleging non consideration of his case for appointment on the strength of the Railway Board's instruction issued vide No.E (NG)II/2010/RC-5/1 dated 6th July, 29010 due to acquisition of land by the railway for the purpose of New BG Link Khurda Road –Bolangir in the year 1999 this OA has been filed by the Applicant seeking the following reliefs:

- “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 Authority 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 bona fide interest of justice may kindly be passed.”

2. Heard Mr.K.C.Mohapatra, Learned Counsel for the

Applicant and Mr.T.Rath, Learned Standing Counsel appearing



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for the Respondents and perused the records. We find that the Railway Board instruction dealing with providing appointment to 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 16.7.2010. Law is well settled that every instruction, unless and otherwise specifically provided therein, cannot have retrospective effect. The instruction dated 16.7.2010 does not show that the same has retrospective effect.

3. In view of the above, we do not find *prima facie* case so as to entertain this OA for adjudication. Hence this OA stands dismissed at this admission stage. There shall be no order as to costs.



(R.C.Misra)
Member (Admn.)



(A.K.Patnaik)
Member(Judicial)