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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No 596 OF 2013
Cuttack, this the 26th day of September, 2013

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R.C. MISRA, MEMBER (A)

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Biswa Ranjan Pradhan,
S/o Sri Harekrishna Pradhan,
Resident of Keshabpur Mouza- Bikishar (Part),
PO/PS- Samal Barrage Township,
Dist- Angul (Odisha).

.....Applicant

Advocate(s) M/s. A.K.Hota, D.P.Das

VERSUS

Union of India represented through

1. Railway Board,
   Ministry of Railways,
   DFCCIL, New Delhi.
2. General Manager,
   East Coast Railway, Rail Vihar,
   At/PO- Chandrasekharpur, Bhubaneswar,
   Dist- Khurda (Odisha).
3. Divisional Railway Manger (P),
   Sambalpur Division,
   East Coast Railway,
   At/PO/Dist- Sambalpur.
4. State of Odisha through Principal Secretary to Govt.,
   Revenue & Disaster Management Department,
   Secretariat, Bhubaneswar.
5. Collector and District Magistrate,
   At/PO/Dt. Angul (Odisha).
6. Special Land Acquisition Officer,
   TBNBGR Link Project,
   At/PO- Talcher, Dt. Angul (Odisha).

..... Respondents

Advocate(s)..... Mr. T. Rath & Mr. G.C.Nayak

....

O R D E R (ORAL)

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

Heard Mr. A.K.Hota, Ld. Counsel for the applicant, Mr. T.Rath, Ld. Standing Counsel for the Railways appearing for the Respondent Nos. 1, 2 and 3, and Mr. G.C.Nayak. Ld. Govt. Advocate for the State of Odisha appearing for Respondent Nos. 4, 5 and 6. Copies of this O.A. have been served on the Ld. Counsel appearing for the other sides.

2. Mr. Hota, Ld. Counsel for the applicant, by drawing our attention to the RBE No. 99/2010 dated 16.07.2010, submitted that due to acquisition of land, for Talcher Bimalagarh New Broad Gauge Rail Link Project (TBNBGRL Project) by the State Government vide revised notification No. 18338 dated 06.05.2010, the applicant and his family have lost their valuable land and building. Though they have received the payment with protest but till date the revised compensation amount as well as rehabilitation appointment has not been extended to the applicant. By drawing our attention to the representation made by the applicant at Annexure-A/2 as well as relying on the RBE No. 99/2010 dated 16.07.2010 and Estt. Sl. No. 322/1987 dated 24.11.1987, Mr. Hota submitted that the representation preferred by the applicant has not been considered by the authorities till date.

3. On the other hand, Mr. G.C.Nayak, Ld. Govt. Advocate for the State of Odisha, submitted that the applicant has not annexed any document showing the acquisition of land as well as payment of compensation and, therefore, at present, in the absence of certain documents in the O.A. he is not in a position to give any reply.

4. Mr. T.Rath, Ld. Standing Counsel for the Railways, by bringing to our notice paragraph 8 of the RBE No. 99/2010 in which it has been categorically stated that "these instructions normally will not be applicable in those cases where land acquisition process has been concluded by way of possession of land by Railway" vehemently opposed the prayer made by the applicant. He submitted that the documents, whether the land has been acquired and the applicant has been displaced, are also absent in the instant O.A. Therefore, this O.A. should not be entertained by this Tribunal.

5. However, Mr. Hota, Ld. Counsel for the applicant, submitted that he will be satisfied if a direction is issued to the Respondents to consider the representation as per the extant rules and regulations.

6. We are of the view that if the above prayer of the applicant is allowed no body shall be prejudiced. Therefore, without expressing any opinion on the merit of this case, we dispose of this O.A. at the stage of admission itself by directing Respondent No. 2, i.e. General Manager, E.Co.Railway, as well as Respondent No. Respondent No.3, i.e. Divisional Railway Manager, Sambalpur Division, and Respondent No. 5, i.e. Collector and District Magistrate, Angul, to verify if any such representation dated 21.01.2013 has been preferred by the applicant and if the same is still pending then the same be considered keeping in mind the extant rules and regulations and communicate the result thereof to the applicant by way of a reasoned and speaking order within a period of 60 days from the date of receipt of copy of this order. No costs.

7. We make it clear that this order would not prejudice the rival claim of the parties.

8. Copy of this order, along with paper book, be transmitted to

Respondent Nos. 2, 3 and 5 at the cost of the applicant, for which Mr. Hota, Ld. Counsel for the applicant, undertakes to file the postal requisites by 04.10.2013. Copy of this order be also handed over to Mr. G.C.Nayak, Ld. Govt. Advocate for the State of Odisha.

MEMBER (Admn.)

MEMBER(Judl.)

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