

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

OA No.890 of 2013

Cuttack, this the 8th day of January, 2014

CORAM

THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDICIAL)
THE HON'BLE MR.R.C.MISRA, MEMBER (ADMN.)

Pitambar Patel, aged about 48 years, S/o. Baikuntha Patel, resident of Village-Ganthiabud, Po.H.Katapali, Ps/Dist. Jharsuguda.

.....Applicant

(Legal Practitioner – M/s.A.K.Nanda, G.N.Sahu)

Versus

Union of India represented through-

1. The General Manager, South Eastern Railway, Garden Reach, Calcutta-43
2. The Divisional Railway Manager, South Eastern Railway, CKP Division, Po/Ps.Chakradharpur, Dist. Singhbhum.
3. The Secretary, Revenue & Disaster Department, Secretariat Building, Bhubaneswar, Dist. Khurda.
4. The Collector, Jharsuguda, At/Po/Ps/Dist.Jharsuguda.
5. The Assistant Engineer, S.E.Railway, Jharsuguda, At/Po/Ps/Dist.Jharsuguda.

.....Respondents

(Legal practitioner: Mr.G.Singh)

O R D E R (Oral)

A.K.PATNAIK, MEMBER (JUDICIAL):

Applicant's case in brief is that land belongs to the father of the applicant was acquired for the purpose of construction of Railway Line from Jharsuguda to Basundhara-Gopalpur. Therefore, as



per the policy formulated by the Railway one of the family members whose land has been acquired for the above purpose ought to have been provided appointment. Said appointment having not been provided applicant submitted representation to the Projector Director (R&R), Collectorte, ^a Jharsuguda on 14.09.2012 which was duly forwarded by the said authority to the Assistant Engineer, S.E.Railway, Jharsuguda vide letter dated 25.09.2012. The applicant has also made another representation directly to the Assistant Engineer, S.E.Railway, Jharsuguda on 29.4.2013. The grievance of the applicant till date neither he has been appointed on rehabilitation scheme nor has he been communicated any reply on the said representation. Hence by filing the instant OA the applicant has sought direction to the Respondents to provide appointment to his son (Dambarudhar Patel) as per the Re-Settlement and Rehabilitation Policy, 2006 within a stipulated period to be fixed by this Tribunal.

Mr.G.C.Nayak, Learned Government Advocate accepts notice for Respondent Nos. 3&4 and Mr.T.Rath, Learned Standing Counsel accept notice for Respondent Nos. 1, 2 and 4. Registry is directed to serve notice, in terms of sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission.

Mr. G.N.Sahu, Learned Counsel for the Applicant submits that though the family of the applicant is in difficulty due to



acquisition of their living area by the Railway till date no action in pursuance of the policy decision has been taken to provide employment to one of the family members. On the other hand Mr.Nayak and Mr.Rath submit that if the applicant is entitled to any relief, as sought in this OA, as per the policy the same will be granted to him in due course and, therefore, this OA is liable to be dismissed. However, Mr.Rath submitted that he has no immediate instruction if at all any such representation was submitted by the applicant which was duly forwarded to the Respondent No.⁵²4 and the status thereof.

We have considered the contentions of the rival parties and perused the records. Be that as it may, when a representation was submitted claiming benefit as per the policy of the Railway, the applicant has a right to know the result thereof at the earliest possibility which is also akin to compliance of principles of natural justice.

At the same time, we do not appreciate the delay in taking action, if the land belongs to ^{the} applicant has been acquired and as per the policy decision one of the family members is to be provided employment in lieu thereof. However, we do not like to express any concrete opinion on this aspect, as according to the applicant, the representation submitted by him on 14.09.2012 and duly forwarded in letter dated 25.09.2012 and the representation directly submitted by



the applicant on 29.4.2014 are still pending with the Respondent No.5. As we do not like to fetter the discretion of the authority at this stage and without entering into the merit of this matter, this OA is disposed of, at this admission stage, with direction to the Respondent No.5 to take a decision on the representations, referred to above, if it is really submitted by the applicant and is still pending with him and communicate the result thereof, in a well reasoned order, to the applicant within a period of 60 (sixty) days from the date of receipt of copy of this order. In case any decision has already been taken on the said representation of the applicant, the result shall be communicated to the applicant within a period of fifteen days from the date of receipt of copy of this order. There shall be no order as to costs.

4. As prayed for by Mr.Sahu, Learned Counsel for the Applicant copy of this order be sent by speed post, at his cost, to the Respondent No.⁵ for compliance; for which Mr.Sahu undertakes to furnish the postal requisite within two days hence.


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


(A.K.Patnaik)
Member (Judicial)