

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

O.A. No.949 of 1997

Present: Hon'ble Mr. D. Purkayastha, Judicial Member

Shri Sukdeb Bar, S/O Late Rampada Bar  
residing at Vill. Bhagabatipur,  
P.O. Sankrail, Dist. Howrah

Shri Sanatan Bar, S/O Shri Sukdeb Bar,  
residing at Vill. Bhagabatipur, P.O.  
Sankrail, Dist. Howrah

... Applicants

VS

1. Union of India service through the  
General Manager, S.E. Railway,  
Garden Reach, Calcutta-43

2. The Chief Personnel Officer,  
S.E. Railway, Garden Reach,  
Calcutta-43

3. The Chief Project Manager, S.E. Rly.  
Garden Reach, Calcutta-43

... Respondents

For the Applicants : Mr.A. Chakraborty, counsel

For the Respondents: None

Heard on 25.1.1999

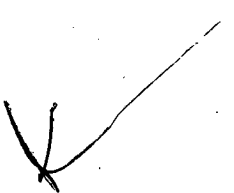
: : Date of order: 21-4-99

O R D E R

By this application applicant No.1, Shri Sukdeb Bar and applicant No.2, Shri Sanatan Bar sought declaration that applicant No.2 who is the son of applicant No.1 is entitled to get an appointment on compassionate ground in Group 'C' post in the Railway as a member of the family displaced as a result of the acquisition of the land for establishment of the Railway project in between Abada and Sankrail vide notification No.L.A. Case No.3(Act II) of 1980-81, Annexure/A to the application in pursuance of the Railway circular No.E(NG)II-82/RCI/95 dated 22.3.1985 issued by the Ministry of Railways (Railway Board), Government of India. According to applicant, a piece of land under title of applicant No.1 was acquired by the Railway for construction of New Freight terminal facilities at Sankrail vide Case No.3 (Act-II) of 1980-81, Annexure/A to the application.

The applicants did not apply for appointment on compassionate ground before 1997. It is stated that on 23rd July, 1997, the applicants came to know from the office of the Chief Engineer(Con), S.E. Railway now designated as the Chief Project Manager that Railway Board has issued a circular in the years 1983, 1985 and 198 for appointing the members of the family displaced as a result of acquisition of the land for establishment of the project. And it is alleged that the said circulars were not given wide publicity for the case of which the applicant No.1 could not apply for his son for an appointment on that ground. It is mentioned that the said Railway Board circular provides that Zonal Railways and production Units and also project authorities may consider applications received from persons displaced on account of large scale acquisition of land for projects on the Railway for employment of the displaced persons or his son/daughter or wife for employment in Group 'C' or Group 'IV' posts in their organisation. After coming to know the facts of the circular dated 23rd July, 1997, the applicant made a representation to the authorities on 2.8.97, Annexure/C to the application seeking appointment in favour applicant No.2 on compassionate ground, but the respondents did not take any action on that representation. Hence the applicants have filed this application on 19.8.97 seeking appointment on compassionate ground.

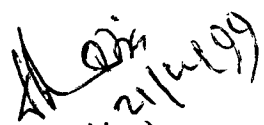
2. None appears on behalf of the respondents. The respondents also did not file any written reply to the OA. Mr.Chakraborty, learned advocate submits that the applicant No.2 should be appointed on compassionate ground in view of the circular issued by the Railway Board and thereby the respondents be directed to consider the case of the applicant No.2 for appointment to Group 'C' post in the Railway as a member of the displaced family as a result of acquisition of land for establishment of the project.



3. I have considered the submission of the learned advocate, Mr. Chakraborty on that score. I find that the applicant produced a notification marked Annexure/A to the application. The said notification does not bear the name of the applicant and the said notification also does not show that any land of the applicant No.1 was acquired by the Railway authorities for the said project. The representation marked Annexure/C also does not contain the particulars of the land which was acquired by the Government. But the Railway circular shows that the Government had taken a policy decision to provide appointment to Group 'C' or Group 'IV' post in the Railways of the members of the family displaced as a result of acquisition of land for establishment of the project. On the face of the circular it is found that displaced members of the family, namely, wife, son and daughter ~~could~~ be considered for appointment on compassionate ground if the land ~~is~~ acquired for the establishment of Railway project. But here it is found that the applicants did not approach the authority though land of the applicant was acquired in the year 1981 and he slept over the matter claiming compassionate appointment on that ground from 1981 to 1997. However, it cannot be overlooked that the respondent No.1, General Manager being an authority <sup>in</sup> under obligation to consider the genuine case for appointment on compassionate ground. It is also found that the matter of appointment for consideration depends on the various factors, viz., extent of land acquired, amount of compensation paid, size of the family to be supported etc. and one job per family can be provided as per circular dated 9.6.83 issued by the Ministry of Railway Board, New Delhi. So, it is a matter of decision <sup>has been taken</sup> by the competent authority on the merits of the case individually and in the absence of certain particulars, ~~the~~ ~~Respondent~~ ~~is also finding~~ handicapped to issue a direction upon ~~the respondents to consider the case of the applicants.~~ <sup>So,</sup> However, it is found that the representation of the applicants dated

2.8.97 is still pending and thereby I find that it would be a fit case to give a direction upon the General Manager, S. E. Railway to dispose of the representation of the applicants.

4. In view of the above discussion I direct the General Manager, S.E. Railway, Calcutta to dispose of the representation of the applicants, which is pending with a speaking and reasoned order within three months from the date of communication of this order. Accordingly the application is disposed of awarding no costs.

  
(D. Purkayastha)

MEMBER (J)