

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA

NO. O.A.951 of 1997

Date of Order: 20.4.2005

PRESENT : HON'BLE MR. JUSTICE B. PANIGRAHI, VICE-CHAIRMAN
HON'BLE MR. N.D. DAYAL, ADMINISTRATIVE MEMBER

PANCH CHARAN GHUGHU & ANR.

VS.

UNION OF INDIA & ORS. (S.E. Rly.)

For the Applicant : Mr. A. Chakraborty, Counsel.

For the Respondents : Mr. S. Choudhury, Counsel.

ORDER

PER JUSTICE B. PANIGRAHI, V.C.:

When the matter was taken up for orders, Id. Counsel for both parties are present. We have heard both parties.

2. In this case a prayer has been made by the applicant to provide him an employment in Gr.-C post on the ground that he belongs to the family whose land was taken possession of by the railways in connection with Rly. Project Work.

3. It seems that the General Manager, S.E. Railway by order dated 30.08.04 in a similar situation in the case of one Kartick Bar has taken an administrative decision which is quoted hereunder:-

"Sri Kartick Bar has filed the instant OA praying for appointment of his son on Compassionate Grounds in Group "C" category in S.E. Rly as he happens to be a member of the family which has been displaced as a result of acquisition of the land for installation of Rly projects in between Abada and Sankrail. The Hon'ble CAT/CAL, while disposing of the matter, in their order have directed:

"In that view of the matter, we also hereby direct the General Manager, S.E. Rly to consider the applicant's case and take a reasonable decision in accordance with rules within four months from the date of communication of this order."

In compliance of the Hon'ble CAT's judgment, I, General Manager, have examined the case taking facts and circumstances thereof in entirety. In the O.A., Shri Kartick Bar has mentioned that on 23rd July '97, he has come to know of Railway Board's Circulars dt.1.1.83, 9.6.83,

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22.3.85 and 27.4.89 issued in connection with appointment of the members of family displaced because of acquisition of land relating to establishment of Railway Projects. Hence he could not apply in time for appointment of his son and preferred a representation to GM/S.E. Railway on 2.8.97 with a prayer for appointment of his son in the Railway.

The case has been examined and as per record available in the office, the land of Sri Kartick Bar was acquired by the State Government under the Land Acquisition Act, 23 years back for Railway Project and the applicant has been paid compensation for acquisition of his land. The compensation is proportionately adequate to land acquired and commensurate with the price of land at the time of acquisition.

As per Railway Board's letter No. E (NG) II/82/RC1/95 DT 31.12.82/1.1.83(S.E. Rly. Estt. Sri. No. 322/87) the individual concerned should have been displaced himself or he should be the son/daughter/ward/wife of a person displaced from land on account of acquisition of land by the Railways for the project. In the instant case, Shri Kartick Bar has not been displaced because he continues to reside in his own house besides possessing land, out of which State Govt. has acquired a part for Railway project. All the Railway Board's instructions mentioned relate only to the members of families displaced as a result of acquisition of land for establishment of projects.

The representation has been submitted on 2.8.97 for appointment on Railway for his son by invoking the circular, which were issued by the Railway Board in the year 1983, 1985 & 1989. Railway Board's letter No. E.(NG) II/82/RC-1/95 dt.1.1.83 lays down guidelines for appointment to Group-'C' and Group-'D' posts on Railway of members of families displaced because of acquisition of land. One of the guidelines laid down in the circular is "This dispensation should be limited to recruitment made from outside in direct recruitment categories and to the first recruitment or within a period of two years after the acquisition of land, whichever is later."

In this case, the land was acquired 23 years back and the project has been completed 11 years back. No recruitment has so far been done against the assets created against this project as no permanent posts have been created against this project. Therefore, as of now, the present application does not attract the provisions of the Railway Board's guidelines mentioned above as there has not been any direct recruitment to fill up the requirement of staff in the project since no posts have been created.

In view of the facts and circumstances as explained above, I do not find any merit to act on the representation dated 2.8.97 of Sri Kartick Bar immediately. His case will be considered along with other similarly situated persons

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under similar circumstances if posts are created against this project in future and subject to fulfillment of the recruitment norms, when recruitment for the same gets underway in accordance with existing rules on the subject.

Please acknowledge receipt.

(R.R. Bhandari)
General Manager."

3. In that view of the matter, the case of the applicant may also be considered in the light of the same as that of Kati Bar as and when such situation arises.
4. With the above observations, the O.A. is disposed of. No costs.


MEMBER(A)


VICE-CHAIRMAN