

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

No. OA 952 of 1997

Present : **Hon'ble Mr.N.D.Dayal, Administrative Member**
Hon'ble Mr.K.B.S.Rajan, Judicial Member

1. **KARTICK MONDAL,**
S/O Late Sudarshan Mondal,
R/O Vill. Bhagabatipur,
P.O. Chaturbhujkathi,
Dist. - Howrah.
2. **TAPAN MONDAL,**
S/O Shri Kartick Mondal,
R/O Vill. Bhagabatipur,
P.O.- Howrah.

...APPLICANTS.

VERSUS

1. **Union of India, service through**
The General Manager, S.E.Rly.,
Garden Reach, Calcutta - 4.
2. **The Chief Personnel Officer,**
S.E.Rly., 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 : **Mr.S.Choudhury, counsel**

Heard on : **15.6.05**

Order on : **21/6/05**

ORDER

BY MR. K.B.S. RAJAN, J.M.:-

The short and straight question involved in this case is whether the applicant is entitled to any appointment in terms of the provisions relating to appointment to Group 'C' and 'D' posts on the Railways of members of families displaced as a result of acquisition of land for establishment of Projects.

2. **Brief Facts:** A piece of land under the Title of applicant No. 1 was stated to have been acquired by the Railways for construction of New Freight Terminal Facilities at Sankrali during 1980-81 (Annexure A/1 and A/2). The applicants have

not derived any monetary benefit from the State Government on account of such acquisition.

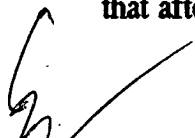
3. The Railway Board had during 1983-85, issued certain guidelines and circulars regarding appointment to Group 'C' and 'D' posts on the Railways of members of families displaced as a result of acquisition of land for establishment of Projects. It is the case of the applicants that as the said circulars were not given wide publicity, they had no knowledge of the same; however they having come to know about the same in July, 1997 and the applicant No. 2 had accordingly applied to the Respondents for employment, vide representation dated 2nd August, 1997. As there was no joy to the representation, this application has been filed by the applicants.

4. The respondents have contested the O.A. Their contention is that there is a stipulation of time for this purpose and since the time limit had expired long back, there is no question of grant of any employment on the basis of the circulars of 1983.

5. The terms as per the circular dated 01-01-1983 read as under:-


1. 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 the land by the Railways for the project.
2. Only one job on such preferential treatment should be offered to one family.
3. This dispensation should be limited to recruitments made from outside in direct recruitment categories and to the first recruitment or within a period of two years after the acquisition of the land whichever is later.
4. It must also be ensured that the displaced person did not derive any benefit through the State Government in the form of alternative cultivable land etc.
5. The person concerned should fulfil the qualifications for the post in question and also be found suitable by the appropriate recruitment committees. In the case of Group 'C' posts for which recruitment is made through the Railway Service Commission, the Chairman or the Member of the Railway Service Commission should be associated in the recruitment."

6. At the time of hearing of the case the parties were heard. The fact remains that after 1981 there has been no attempt by the applicants to avail of the concession



as provided for in the circular dated 1.1.1983. The respondents are fully right in contending that when the circular stipulates the period of two years to apply for any post under direct recruitment vide paragraph-2(3) of circular as extracted above, the question of delay in applying does stare against the applicants. It is understandable if the applicants had taken steps within a reasonable period. If the applicants wake up only after a period of a decade and six years the delay under no circumstances could be waived. Further, nothing in record shows that there has been actual displacement. In all probability, the applicants would have chosen to wait till the applicant no.2 becomes major whereafter they would apply for any suitable post. As of 1983 and thereafter the applicant would have been a minor. The applicant no.1 would be too aged to seek an employment.

7. Viewed from any angle, it appears that the applicants have not made any case and as such the O.A. is liable to be dismissed. No costs.


MEMBER(J)


MEMBER(A)