

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA 981/97

Calcutta, this the 7th day of June, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A)

Smt. Usha Rani Mondal (Bar)
Daughter of Late Sadhan Chandra Mondal
R/o Village Bhagabatipur, P.O. Sankrail
Distt. Howrah.

...Applicant

(By Advocate Mr. A. Chakraborty)

Vs.

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

(By Advocate M s. U.D. Sen)

O R D E R (ORAL)

Heard. This application has been filed with prayers that the respondents be directed to give an appointment to the applicant in group 'C' post by virtue of the fact that she is entitled to get such compassionate appointment in the said group in the Railways as a member of the family displaced as a result of acquisition of land for establishment of a railway project in between Abada and Sankrail.

2. At the outset, ld. counsel for the applicant has referred to a similar case having been decided by this Tribunal in OA 982/97 on 26-2-2004 and has submitted that the case of the applicant in the present OA is similarly placed and her OA could be disposed of on the same lines directing the respondents to extend the same benefits to the applicant in this OA.

3. On perusal of the facts, it is observed that a piece of land under the ownership of the applicant was acquired by the Railways for construction of new Freight Terminal Facilities at Sankrail vide case No.2(ACT-II) dated 1980-81, Notices of

relevant authorities in this regard are placed at Annexure A1-A3.

Making a reference to a Circular issued ~~by the~~

~~by the~~ Railway Board in regard to the appointment of members of the family displaced as a result of acquisition of land for establishment of project, she has submitted that she could not apply for such appointment for want of knowledge in this regard, of which she came to know only on 23-7-97. She has further submitted that Zonal Railways and the Production Units and also Project Authorities have been authorised to consider applications received from displaced persons on account of large scale acquisition of land for projects of the Railways for employment of such displaced persons against group 'C' or group 'D' post in their organisation. She accordingly made a prayer for such appointment on 2-8-97 vide representation submitted to the G.M., S.E. Railway. She has not been favoured with ~~a reply~~ so far.

4. However, the respondents in their reply have submitted that the application is devoid of facts ^{and merit}. Accordingly, they have maintained that the application is not maintainable. However, ld. counsel for the applicant has referred, as mentioned above, to the decision of this Tribunal in OA 982/97 and has claimed that the applicant's case could also be considered and given due reliefs on the same lines, as his case also is similarly placed.

5. Having regard to the fact that the case as decided by this Tribunal in OA 982/97 on 26-2-2004 has been claimed as similar ~~to~~ the case of the applicant, the ends of justice would be met if this OA is disposed of with directions to the respondents to give consideration to the case of the applicant in the light of the submissions made by the ld. counsel for the applicant as above and keeping in view the decision of this Tribunal in the said OA after carrying out necessary examination/verification in regard to the applicant with reference to the information available with them and to dispose it of by issuing

