

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. O.A. 350/00664/2016

Date of order: 18.7.2016

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

ISHWAR MAHAPATRA & ORS.

VS.

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

For the Applicants : Mr. B. Bhushan, Counsel

For the Respondents : Ms. G. Roy, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, Judicial Member:

Heard Ld. Counsel for the parties.

2. The applicant has filed this O.A. under Section 19 of the AT Act, 1985 seeking the following reliefs:-

- "a) An order directing the respondents, each one of them their men, agents, staffs, subordinate and associates to forthwith appoint the applicants in suitable posts commensurating their qualification with appropriate pay scale forthwith.
- b) An order directing the respondents, each one of them their men, agents, staffs, subordinate and associates to certify and transmit to this Hon'ble Tribunal relevant documents pertaining to the present case so that conscionable justice may be administered by directing them to forthwith appoint the applicants in suitable posts commensurating their qualification with appropriate pay scale with appropriate pay scale.
- c) Costs of and/or incidental to this application be borne by the respondents;
- d) Such further and/or other order or orders be passed and/or direction or directions be given, as to this Hon'ble Tribunal may deem fit and proper.

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e) Leave may be granted to file this joint petition under Rule 4(5)(a) of CAT (Procedure) Rules, 1987."

2. The Ld. Counsel for the applicant had cited the order passed in O.A. No. 651 of 2014 along with other analogous matters. The order is extracted hereinbelow:-

"The applicants in this O.A. are commonly aggrieved since their lands have been acquired for Deshpran Nandigram Project and they are land losers who are languishing without suitable employment despite their screening in 2012 by the Kharagpur Division for appointment in Group 'D' category.

2. The applicants are called for screening vide letter dated 11.5.2012 and were screened by a Screening Committee of S.E. Railway at Kharagpur in 2012. They were assured a job in Railways in terms of circular of competent authorities for the said Land Acquisition (Annexure A/6). They are aggrieved that till date they have not received any communication from the respondents.

3. A communication dt. 12.2.2014 by the Chairman/RRC reflects that their case is under consideration of competent authority.

4. On the earlier occasion we had directed the respondents to take instruction with regard to the outcome of such consideration.

5. Ld. Counsel for the respondents submits that the matter is still under consideration of competent authority and in case the respondents are allowed six months' time, it is expected that appropriate orders will be passed in the matter, to which suggestion Ld. counsel for the applicants do not object.

6. In such view of the matter with the consent of the parties the O.A.s are disposed of with this common order with direction upon the competent authority to make an honest endeavour to complete the exercise and pass appropriate orders within six months for their employment against Group 'D' category or substitutes as promised to them.

7. The O.A.s are accordingly disposed of with the aforesaid direction. No order is passed as to costs."

3. The Ld. Counsel for the applicant claims that similar benefits as provided in the aforesaid order may be extended to the applicants.

4. In view of the order supra, since no decision on the pending representation has been taken as yet we direct the respondents to consider the pending representation in the light of the aforesaid order dated 16.6.2014 for grant of benefits as provided in terms of our earlier order dated 16.6.2014, within a period of 3 months from the date of receipt of a copy of this order.

5. The O.A. is accordingly disposed of. There shall be no order as to costs.

6. It is made clear that we have not gone into the merits of the case. All points are kept open for consideration by the concerned respondents.

(Jaya Das Gupta)
Member(A)

(Bidisha Banerjee)
Member (J)

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