

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/00677/2016

Date of order : 21.7.2016

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

SABINA YASMIN

VS

UNION OF INDIA & ORS.

For the applicant : Mr. T.K.Biswas, counsel

For the respondents : Mr.B.L.Gangopadhyay, counsel

O R D E R

Ms. Bidisha Banerjee, J.M.

Ld. Counsels for the parties were heard.

2. A speaking order dated 21.3.16 issued by Sr. DPO pursuant to the directions of this Tribunal in OA 1738/15 is assailed in the present OA. The applicant is aggrieved as her prayer for employment assistance as a land-looser has been rejected citing the following :

"In obedience to the aforesaid judgment/order of the Hon'ble Tribunal dated 4.12.2015, your case has been examined meticulously by the competent authority with full application of mind.

On going through the relevant records and Railway rules specially Joint Procedure Order circulated under GM's letter No. PD/E/Staff/50/Comp. Aptt/Land Loser dtd. 3.6.11 that concerned Dy.CE(Con)/Land is the competent officer for scrutiny of applications specially the facts relating to land ownership, land transaction and issuance of necessary certificates of land acquisition.

Further, the screening criteria as stipulated vide Estt. Srl. No.139/10 under para-4 indicates that application duly certified by the competent authority/land acquisition officer shall be entertained.

The concerned Dy. CE/Land did not recommend your case as you are the married daughter of the land loser and consequent upon your marriage, you are no longer dependent upon your father.

As such, this office is unable to call you for screening for appointment in Railways against Land Loser Quota.

Thus, the Hon'ble CAT/KOL's judgment order dated 4.12.15 is complied herewith."

3. Ld. Counsel for the applicant submitted that there is no bar in terms of the policy of the Railways as contained in RBE 99/10 (Annexure A/5) in regard

to consideration of a married daughter. Therefore rejection on that ground was absolutely illegal.

4. Ld. Counsel for the respondents however, reiterated the stand of the respondent authorities.

5. We have considered the materials on record.

6. In RBE 99/10 no bar is imposed upon consideration of married daughter, rather the Board's order is explicit that appointment can be granted to the sole owner of land or a son or daughter or husband or wife. Further, it also appears that a filled in proforma being an application to be submitted to the nearest DRM in whose jurisdiction the last is situated is already filled in and submitted by the applicant on 25.4.13. Therefore it was for the Railways to consider the claim for employment assistance as a land-looser and not that of Dy. CE (Con)/Land, who is only to scrutinise the claim of a land looser. The DRMs are empowered to co-ordinate the affairs and the GM to relax conditions and ensure fair selection.

7. Accordingly the speaking order is quashed and the matter is remanded back to the competent authority to consider the claim of the applicant as per RBE 99/10 with a reasoned and speaking order untrammelled by the earlier consideration, to be issued within three months from the date of communication of this order.

8. Accordingly the OA is disposed of. No order is passed as to costs.

(JAYA DAS GUPTA)
MEMBER (A)

(BIDISHA BANERJEE)
MEMBER (J)

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