

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. OA 350/941/2017

Date of order : 2.2.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

**MADHUSUDAN GHOSH**

S/o Late Satyanarayan Ghosh,  
R/o Vill - Dadpur,  
PO - Kalanabagram,  
PS - Memari,  
Dist. - Burdwan,  
Pin - 713124.

...APPLICANT

VERSUS

1. Union of India through  
The General Manager,  
Eastern Railway,  
17 NS Road,  
Kolkata - 700001.
2. The Chief Personnel Officer,  
Eastern Railway,  
17 NS Road,  
Kolkata - 700001.
3. The Additional District Magistrate  
(Land Acquisition)  
Burdwan acting as  
Competent Authority under  
Railway (Amendment) Act, 2008,  
PO & PS - Burdwan,  
Pin - 713151.
4. Union of India through  
The Secretary,  
Ministry of Railways,  
Rail Bhawan,  
Rafi Marg,  
New Delhi - 110001.
5. The Chairman,  
Railway Board,  
Govt. of India,  
Rail Bhawan,  
Raisina Marg,  
New Delhi - 110011.
6. The Chief Project Manager,  
Dedicated Freight Corridor  
Corporation of India Limited,  
(A Govt. of India Enterprise)  
18/N Ground Floor,  
Block - A,  
New Alipore,  
Kolkata - 700053.

*Valy* ...RESPONDENTS.

For the applicant : Mr.B.Das, counsel

For the respondents: None

O R D E R (ORAL)

Dr. Nandita Chatterjee, A.M.

Heard Mr.B.Das, ld. Counsel appearing for the applicant at length. None appeared for the respondents.

2. Annexure A/8 to the Original Application is a communication from Office of the Collector, Purba Bardhaman, Land Acquisition Section dated 13.4.2017 in which a reference has been made to the Demand Notice issued by the ld. Counsel on behalf of the applicant, dated 29.3.2017. The said communication states as follows :

"Now the said land loser has claimed for issuance of Form Part A & B relating to the appointment of land loser and/or his nominee in terms of the circular No.E(NG)11/2010/RC-5/1 dt. 16.7.2010 of the Ministry of Railways (Railway Board).

In terms of the said circular only the Railway authorities are competent to do so."

Admittedly the applicant has not approached the competent Railway authorities.

3. Hence, without entering into the merits of the case, we dispose of the application by providing liberty to the applicant to make a comprehensive representation before the competent Railway authority within a period of 4 weeks from the date of receipt of the order. Once received the competent Railway authority, after giving the applicant an opportunity of being heard, shall, by a reasoned and speaking order, dispose of the application within 6 weeks of receipt of the same. Needless to say, the order shall be passed based on the extant rules and regulations of the respondent authorities as well as with reference to relevant notification and circulars as applicable in this context. The decision arrived at should be communicated to the applicant immediately thereafter.

4. The OA is disposed of. No order as to costs.

(DR. NANDITA CHATTERJEE)  
ADMINISTRATIVE MEMBER

(MANJULA DAS)  
JUDICIAL MEMBER

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