

18/5

# LIBRARY

## IN THE CENRAL ADMINISTRATIVE TRIBUNAL CALCUTTA BENCH

O.A. No. 1246 of 2016

1. DHIREN MAJI, SON OF LATE ANATH MAJI, Village - Nakrasota, P.O. Chhoto Dighari, P.S. - Hirapur, District : Burdwan, Pin - 713326. *Agreement for you*
2. MALAY MAJI, SON OF ATATH MAJI, Village - Nakrasota, P.O. Chhoto Dighari, P.S. - Hirapur, District : Burdwan, Pin - 713326.
3. NIRANJAN MAJI, SON OF LATE ANATH MAJI, Village - Nakrasota, P.O. Chhoto Dighari, P.S. - Hirapur, District : Burdwan, Pin - 713326.
4. SUSANTA MAJI, SON OF LATE ANATH MAJI, Village - Nakrasota, P.O. Chhoto Dighari, P.S. - Hirapur, District : Burdwan, Pin - 713326.
5. MADHAB CH. MAJI, SON OF LATE ANATH MAJI, Village - Nakrasota, P.O. Chhoto Dighari, P.S. - Hirapur, District : Burdwan, Pin - 713326.
6. PUTUL MAJI, WIFE OF SWAPAN MAJI, Village - Nakrasota, P.O. Chhoto Dighari, P.S. - Hirapur, District : Burdwan, Pin - 713326.
7. MAYA MAJI, WIFE OF HARADHAN MAJI, Village - Nakrasota, P.O. Chhoto Dighari, P.S. - Hirapur, District : Burdwan, Pin - 713326.

*W.A.*

*✓ Nisar Ali Roy*

8. SURESH CHANDRA MAJI, SON OF  
LATE ASHUTOSH MAJI, Village -  
Nakrasota, P.O. Chhoto Dighari, P.S. -  
Hirapur, District : Burdwan, Pin -  
713326.

9. ~~10. BUNI MONDAL, WIFE OF BISWANATH  
MAJI, Village - Nakrasota, P.O. Chhoto  
Dighari, P.S. - Hirapur, District :  
Burdwan, Pin - 713326.~~

11. MUKTI HAZRA, WIFE OF GOPAL  
HAZRA, Budha PNT Coloney Q. No.  
T31, P.O. - Asansol, P.S. Asansol  
(South), District - Burdwan.

12. NIRMAL ROY, SON OF LATE  
ASANSOL (UPPAR PARA), Near Old  
Hospital, H.B. Road, P.O. - Asansol,  
P.S. - Asansol (South), District :  
Burdwan, Pin - 713301.

13. GOPINATH ROY, SON OF LATE  
BIJOY ROY, Sun View Park, 2 No.  
Mohishila Coloney, Asansol, District :  
Burdwan, Pin - 713303.

14. JOSHNA ROY, WIFE OF LATE  
BIJOY ROY, Sun View Park, 2 No.  
Mohishila Coloney, Asansol, District  
Burdwan, Pin - 713303.

15. MADHAB CH. ROY, SON OF HABUL  
CH. ROY, Village - Nakrasota, P.O.  
Chhoto Dighari, P.S. - Asansol, District  
: Burdwan, Pin-713326.

16. SUKLA SAM, DAUGHTER OF  
HABUL CH. ROY, Village - Nakrasota,

*Nir. moni Roy*  
*Wife*

P.O. Chhoto Dighari, P.S. - Asansol,  
District : Burdwan, Pin-713326.

15. NIRMAL CH. HAZRA, SON OF LATE  
RAMPADA HAZRA, Sun View Park 2  
No. Mohishila Colony, P.S. - Asansol  
(South), Asansol-3, District : Burdwan,  
Pin - 713303.

16. SUSAMA RANI ROY, DAUGHTER OF  
HABUL CH. ROY, Village - Nakrasota,  
P.O. Chhoto Dighari, P.S. - Asansol,  
District : Burdwan, Pin-713326.

... APPLICANTS

Versus

1. Union of India, through the  
Secretary, Ministry of Steel, Udyog  
Bhawan, Dr. Maulana Azad Road, New  
Delhi - 110 011.
2. State of West Bengal, through the  
Chief Secretary, Government of West  
Bengal, 325, Sarat Chatterjee Road,  
Shibpur, Howrah-711102.
3. District Magistrate, Burdwan, 3<sup>rd</sup>  
Floor Administrative Building, Burdwan  
Collectorate, Pin Code- 713101.
4. Steel Authority of India Limited,  
having its office at Ispat Bhawan, Lodi  
Road, New Delhi-110003.

Nirmal Roy  
N.R.

5. IISCO Steel Plant having its office at  
7<sup>th</sup> Ridge, Post Office – Burnpur, District  
– Burnpur, Pin Code – 713325.

6. Assistant General Manager (PR),  
IISCO Steel Plant having its office at 7<sup>th</sup>  
Ridge, Post Office – Burnpur, District –  
Burnpur, Pin Code – 713325.

7. Secretary, Department of Public  
Enterprises, Ministry of Heavy  
Industries and Public Enterprises, 183,  
Udyog Bhawan, Rafi Marg, Udyog  
Bhavan, New Delhi, Pin Code – 110011.

... Respondents

A handwritten signature in black ink, appearing to read "W.H." or a similar initials.

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
KOLKATA

OA No. 350/1246/2016

Reserved on: 28.4.2017  
Pronounced on: 18/5/2017

**CORAM:**

HON'BLE MR.A.K.PATNAIK, JUDICIAL MEMBER  
HON'BLE MS.JAYA DAS GUPTA, ADMINISTRATIVE MEMBER

For the Applicants : Mr. N. Majhi, Counsel

For the Respondents : Mr. A. Roy, Counsel  
Mr. L.K. Pal, Counsel  
Mr. N.C. Bhattacharjee, Counsel

**ORDER**

**A.K.PATNAIK, JUDICIAL MEMBER:**

According to the learned counsel for the applicants the State Government acquired the land belonging to the applicants along with many others for the purpose of modernization of the SAIL. As per the scheme floated by the Company, as the land belongs to the applicant and has been acquired for the purpose of modernization of the company, one of the family members, whose land has been acquired is entitled for appointment. But the applicants have been deprived of getting such benefits due to the fact that the State of West Bengal although has acquired the land belonging to the applicants but they sent only 178 names excluding the names of the applicants for the purpose of rehabilitation assistance. Thus, by filing this OA, the applicants have prayed for the following reliefs:

“8.a. Pass an order directing the respondent authorities to include the name of the petitioners or a family member of the petitioner in the list prepared by the State Government for employment under modernization affected criteria.

b. Pass an order directing the respondent company to take necessary steps for appointment of the petitioners or a family member of the petitioner under modernization affected criteria like the 178 persons who have been offered appointment by the respondent company.

c. Pass an order by declaring that the report filed by Dy. General

*[Signature]*

Manager (Pers.), SAIL-ISP, Burnpur before the Hon'ble High Court as referred to above is incorrect and cannot sustain in law."

2. It has been submitted by the learned counsel for the applicants that he has approached the Hon'ble High Court of Calcutta by filing a WP 7591(W) of 2016, which was disposed of on 28.6.2016 directing the applicants/petitioners to approach this Hon'ble Court as per the provision of Section 14 of the Administrative Tribunal Act, 1985 as submitted by the learned counsel appearing for the Respondents before the Hon'ble High Court of Calcutta.
3. Heard and perused the records.
4. We find that basically the grievance of the applicants in this OA is against the State of West Bengal for not sending the name of the applicants, while sending names of 178 beneficiaries, as one of the land-losers for getting the rehabilitation assistance, as per the policy of the SAIL.
5. In this regard, it is profitable to note the relevant provisions of the A.T. Act, 1985 which reads as under:

**14. Jurisdiction, powers and authority of the Central Administrative Tribunal.-**(1) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court in relation to-

- (a) recruitment, and matters concerning recruitment, to any All-India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian;
- (b) all service matters concerning-
  - (i) a member of any All-India Service; or
  - (ii) a person [not being a member of an All-India Service or a person referred to in clause (c)] appointed to any civil service of the Union or any civil post under the Union; or
  - (iii) a civilian [not being a member of an All-India Service or a person referred to in clause (c)] appointed to any defence services or a post connected with defence, and pertaining to the service of such member, person or civilian, in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation [or society] owned or controlled by the Government;
- (c) all service matters pertaining to service in connection with the affairs of the Union concerning a person appointed to any service or post referred to in sub-clause (ii) or sub-clause (iii) of clause (b), being a person whose services have been placed by a State Government or any local or other authority or any corporation [or society] or other body, at the disposal of the Central Government for such appointment.

*V. A. De*

[Explanation - For the removal of doubts, it is hereby declared that references to "Union" in this sub-section shall be construed as including references also to a Union territory.]

(2) The Central Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to local or other authorities within the territory of India or under the control of the Government of India and to corporations [or societies] owned or controlled by Government, not being a local or other authority or corporation [or society] controlled or owned by a State Government:

Provided that if the Central Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different dates may be so specified under this sub-section in respect of different classes of, or different categories under any class of, local or other authorities or corporations [or societies].

(3) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall also exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or corporation [or society], all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court) in relation to-

- (a) recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation [or society]; and
- (b) all service matters concerning a person [other than a person referred to in clause (a) or clause(b) of sub-section (1) ] appointed to any service or post in connection with the affairs of such local or other authority or corporation [or society] and pertaining to the service of such person in connection with such affairs.

#### **15. Jurisdiction, powers and authority of State Administrative Tribunals-(1)**

Save as otherwise expressly provided in this Act, the Administrative Tribunal for a State shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court) in relation to -

- (a) recruitment, and matters concerning recruitment, to any civil service of the State or to any civil post under the State;
- (b) all service matters concerning a person [not being a person referred to in clause (c ) of this sub-section or a member, person or civilian referred to in clause (b) of sub-section (1) of section 14] appointed to any civil service of the State or any civil post under the State and pertaining to the service of such person in connection with the affairs of the State or of any local or other authority under the control of the State Government or of any corporation [or society] owned or controlled by the State Government;
- (c) all service matters pertaining to service in connection with the affairs of the State concerning a person appointed to any service or post referred to in clause (b), being a person whose services have been placed by any such local or other authority or corporation [or society] or other body as is controlled or owned by the State Government, at the disposal of the State Government for such appointment.

(2) The State Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section(3) to local or other authorities and corporations [or societies] controlled or owned by the State Government:

*[Signature]*

Provided that if the State Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different dates may be so specified under this sub-section in respect of different classes of, or different categories under any class of, local or other authorities or corporations [or societies].

(3) Save as otherwise expressly provided in this Act, the Administrative Tribunal for a State shall also exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or corporation [or society], all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court) in relation to

(a) recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation [or society]; and

(b) all service matters concerning a person [other than a person referred to in clause (b) of sub-section (1) of this section or a member, person or civilian referred to in clause (b) of sub-section(1) or section 14] appointed to any service or post in connection with the affairs of such local or other authority or corporation [or society] and pertaining to the service of such person in connection with such affairs.

(4) For the removal of doubts, it is hereby declared that the jurisdiction, powers, and authority of the Administrative Tribunal for a State shall not extend to, or be exercisable in relation to, any matter in relation to which the jurisdiction, powers and authority of the Central Administrative Tribunal extends or is exercisable."

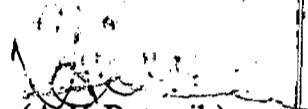
6. According to the applicants for the purpose of modernization of the SAIL, the land belonging to the applicants were acquired by the State of West Bengal and appointments were given by the SAIL on the basis of the names sent by the State of West Bengal but the State of WB sent only 178 names excluding the names of the applicants; albeit land belonging to the applicant was acquired for the above purpose and compensation was also duly paid to the family. Nomination of names by the State of West Bengal being one of the paramount consideration for providing rehabilitation assistance and admittedly the names of the applicants have not been sent by the State of West Bengal. As per the provisions of the A.T. Act, 1985 quoted above, this Tribunal has no jurisdiction over the State of West Bengal to direct inclusion of the names of the applicants in the list. It is only after the recommendations of the State of West Bengal, if the SAIL did not provide rehabilitation assistance, then this Tribunal will have jurisdiction to consider the



grievance of the applicants against SAIL for non- consideration of the names of the applicants. At this stage, we are of the considered view that this Tribunal lacks jurisdiction to entertain this OA.

7. Accordingly, this OA stands dismissed. No costs.

  
(Jaya Das Gupta)  
Administrative Member

  
(A.K. Patnaik)  
Judicial Member

SP