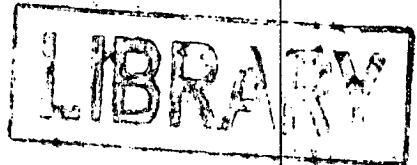


CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



O.A. NO. 350/1510/2016

Date of order : 30.11.2017

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

1. TAHER ALI MALLICK
S/o Daud Ali Mallick,
Vill & PO – Furfura,
Dist. – Hooghly,
Pin – 712706.

2. MD NAIM SIDDIQUE
S/o Nizamuddin Siddique,
Vill & PO – Furfura,
Dist. – Hooghly,
Pin – 712706.

3. SAIKH SHAMEEMA SALIM
D/o Shaikh Salim,
Vill – Dakshin Patul, Sarkarpur
PO – Ilahipur,
Dist. – Hooghly,
Pin – 712707.

4. NURANI KHATUN
W/o S.K. Mortej Ali,
Vill & PO – Bandpur,
Dist. – Hooghly,
Pin – 712701.

.....APPLICANTS.

-Versus-

1. Union of India, through
General Manager,
Eastern Railway,
17, NS Road,
Kolkata – 700 001.

2. The Chief Personnel Officer,
Eastern Railway,
Fairlie Place,
Kolkata – 700 001.

h.s.

3. The Dy. Director / Estt.(N) II,
Railway Board,
Rail Bhawan,
New Delhi - 110001.
4. DYCE/ CON/ PLG
Under Chief Administrative Officer,
E. Rly, 4th Floor,
14 No. Strand Road,
Kolkata – 700001.

..... RESPONDENTS.

For the applicant : Mr. A.K. Bairagi, Counsel

For the respondents : Mr. S.K. Das, Counsel

ORD EIR (ORAL)

Dr. Nandita Chatterjee, Administrative Member

In this OA the applicants pray for directions upon the respondents authorities to immediately issue appointment letter in favour of the applicants in terms of Government notification dated 16.7.2010 and 13.8.2010 for appointment of land losers affected by land acquisition for Railway projects.

2. Heard Id. Counsel for the applicants as well as the respondents at length.
3. Mr. Bairagi, Id. Counsel for the applicants submits that the departmental authority has acquired the land long back in 2012. Despite applying in due format for appointment, however, the applicants were not considered by the respondent authorities for appointment under the scheme. It was further submitted by the Id. Counsel for the applicants that the applicants approached the authority several times but the authority failed to respond. As such, the applicants are suffering despite processing requisite qualification for being appointed to posts commensurate with their qualification.

[Signature]

4. Per contra, Id. Counsel for the respondents submits that the grounds for rejection of their cases are that the applicants No. 1, 2 & 3 are over aged and in case of applicant No. 4, there are certain anomalies in the application including that in the signature. As such, as per rules, they are not entitled to get the appointments.

5. We have perused the records wherefrom it appears that the applicants are aged 27, 18 & 21 years respectively. Further, the scheme does not say anything about upper age limit. As per rules of Government service, however, minimum age of entry is 18 years and after amendment, the maximum age for unreserved candidates is 25 years and that for SC/ST candidates the maximum age of entry is 33 years.

As such, we have heard the submissions made by the Id. Counsels for applicants as well as of the respondents.

6. Hence, without entering into the merits of the application, we dispose of this OA with a direction upon the respondents to verify the criteria of age in terms of the rules and the scheme keeping in mind the contents of para 5 of the scheme dated 16.7.2010 and in accordance with law. If, on verification, the applicants are found to be eligible, they should be considered for appointment under the said scheme.

7. With the above observation the OA is disposed of. No costs.

(DR. NANDITA CHATTERJEE)
ADMINISTRATIVE MEMBER
in

(MANJULA DAS)
JUDICIAL MEMBER