

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCHNo. CPC 350/00110/2015
OA 350/00032/2015

Date of order : 4.2.2016

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Jayati Chandra, Administrative Member

SANATAN HALDER & ORS.

VS

UNION OF INDIA & ORS.

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

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

O R D E RMs.Bidisha Banerjee, J.M.

The applicant has alleged non-compliance of the direction given on 2.3.15 by this Tribunal in the OA whereby and whereunder the respondents were directed to finalise the process of verification within three months and issue order within one month thereafter if the applicants were found entitled in accordance with law.

2. In this Contempt Application it has been alleged that the respondents have wilfully and deliberately violated the order having not obeyed the directions of this Tribunal within the time limit fixed.

3. The compliance report filed by the respondents would make it evident that 22 cases have been considered for appointment, two cases could not be placed before the Screening Committee due to anomalies in application, one case in regard to Shri Yadav Ghosh could not be processed as one of the members of the family namely Shyamal Ghosh had already been given appointment and 24 cases could not be considered due to over age and lower education/anomalies.

4. Ld. Counsel for the applicant would vociferously submit that no individual letters have been issued to the applicants stating the position of their consideration and therefore the applicants are in absolute dark about their consideration.

5. In the rejoinder the applicants have submitted that the ground taken as overage is discriminatory as applicants 3,7 & 8, as also Yadav Ghosh was granted appointment beyond 40 years of age. Further it is submitted that General Managers of respective Railways have the power to relax the age of the candidates to be appointed as land-losers while inviting our attention to RBE 99/2010 particularly to para 5 & 6 therein, which specifically says the following :

“5. The applicant should normally fulfil the eligibility and other conditions prescribed for the post against direct recruitment quota from open market. In special cases, General Manager of the Railway can relax these conditions, and in respect of educational qualifications, applicant with read/write only capability shall also be considered.

6. General Manager of the Railway in whose jurisdiction the land acquisition is to be undertaken shall be responsible for ensuring a fair and transparent selection of candidates.”

6. Be that as it may since the ld. Counsel for the respondents submitted that the verification is still on, therefore in the interest of justice we direct the authorities to consider the cases of all the 24 left out candidates including the present applicants who have not been considered either due to overage or due to not meeting the desired educational qualifications, to be considered in terms of RBE 99/2010 and to issue orders within two months from the date of communication of this order.

7. List the CPC on 3.6.2016.

(JAYATI CHANDRA)
MEMBER (A)

(BIDISHA BANERJEE)
MEMBER (J)

in