

8A 350/157/2017

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH, CALCUTTA

O.A. NO.350/00 157 OF 2017

ANIRBAN CHANAK, son of Netai  
Chanak, aged about 22 years, by  
occupation Unemployed, residing at  
Village Badangang (Kokand/Tangra),  
P.O. Badangang, P.S. Goghat, District :  
Hooghly, Pin-712612.

... APPLICANT

VERSUS

1. UNION OF INDIA, service through  
the General Manager, Eastern Railway,  
Fairlie Place, 17, N.S. Road, Kolkata-  
700001.

2. THE CHIEF PERSONNEL  
OFFICER, Eastern Railway, Fairlie  
Place, 17, N.S. Road, Kolkata-700001.

3. THE CHIEF ADMINISTRATIVE  
OFFICER (CONSTRUCTION), Eastern  
Railway, Koilaghat, 3, Koilaghat Street,  
Kolkata-700001.

Anirban Chanak

W.L.

**4. THE COMPETENT AUTHORITY**

**FOR LAND ACQUISITION, Eastern**

**Railway, Koilaghat, 3, Koilaghat Street,**

**Kolkata-700001.**

**5. THE DIVISIONAL RAILWAY**

**MANAGER, Eastern Railway, Howrah**

**Division, Howrah-711001.**

**6. THE DEPUTY CHIEF ENGINEER**

**(Construction-1), Eastern railway,**

**Howrah Division, Howrah-711001.**

**... RESPONDENTS**

*W.H.*

O.A.No.350/157/2017

Date of order : 04.05.2017

Coram : Hon'ble Mr. A.K. Patnaik, Judicial Member

Hon'ble Ms. Jaya Das Gupta, Administrative Member

For the applicant : Mr. B. Chatterjee, counsel

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

O R D E R(ORAL)A.K. Patnaik, J.M.

The applicant has filed this O.A. under Section 19 of the Central Administrative Tribunals Act, 1985 challenging the denial of the respondents to grant him compassionate appointment under Land Loser Category.

2. Heard Mr. B. Chatterjee, Id. counsel for the applicant. Id. counsel for the respondents, Mr. S.K. Das is also present and heard.
3. Learned counsel for the applicant Mr. B. Chatterjee advanced his arguments which could succinctly and precisely be set out thus:-

The office of the District Magistrate, Hooghly, L.A. Department issued a Notice under Section 12(2) of Act I of 1894 for Acquisition of Land for the Project of Tarakeswar-Bishnupur Broadgauge Railway Line. The land owned by the applicant has been taken by the respondent authorities for the said project and he has been given compensation amount for acquisition of land. The applicant has made a representation on 09.12.2016 for compassionate appointment under Land Loser's Category to the General Manager(P), Eastern Railway, Fairlie Place, Kolkata i.e. Respondent No.1 of this O.A., but his prayer has not been considered.

4. In this O.A. the applicant has prayed for the following reliefs:-



"a) An order commanding the respondents, their agents, subordinates and successors to grant compassionate appointment under the Eastern Railway in any Group 'D' post in favour of the applicant under land loser category;

b) An order directing the respondents, their agents, subordinates and successors to produce all records and proceedings so that consonable justices may be administered by granting the reliefs as prayed for hereinabove;

c) An order directing the respondents, each one of them, their men, agents, staffs, subordinates and associates to certify and transmit to this Hon'ble Tribunal relevant documents pertaining to the present case so that consonable justice may be administered by directing them to forthwith appoint the applicant in suitable posts in the pay scale of Grade Pay Rs.1,300/- with Pay Band-I;

d) To pass such other order or orders, direction or directions as Your Lordships may deem fit and proper."

5. Mr. B. Chatterjee, Id. counsel for the applicant submitted that the applicant preferred a representation to the General Manager, Eastern Railway, Fairlie Place, Kolkata i.e. Respondent No.1 of this O.A. on 09.12.2016(Annexure A-2) ventilating his grievances therein, but till date he has not received any reply.

6. Right to know the result of the representation that too at the earliest opportunity is a part of compliance of principles of natural justice. The employer is also duty bound to look to the grievance of the employee and respond to him in a suitable manner, without any delay. It is apt for us to place reliance on the decision of the Hon'ble Supreme Court of India in the case of **S.S.Rathore-Vrs-State of Madhya Pradesh, AIR1990 SC Page 10 / 1990 SCC (L&S) Page 50** (para 17) in which it has been held as under:

"17. .... ....Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and authorities on whom power is vested to dispose of the appeals and revisions under the Service Rules must dispose of such matters as expeditiously as possible. Ordinarily, a period of three to six months should be the outer limit. That would



discipline the system and keep the public servant away from a protracted period of litigation."

7. Considering the aforesaid facts and circumstances, the Respondent No.1 i.e. the General Manager, Eastern Railway, Fairlie Place, Kolkata is directed to consider and dispose of the representation of the applicant, if the same is pending for consideration, by passing a well reasoned order as per rules and regulations and intimate the result to the applicant within a period of three months from the date of receipt of a certified copy of this order.

8. It is made clear that we have not gone into the merits of the case and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

9. As prayed by Mr. Chatterjee, a copy of this order along with the paper book may be transmitted to the Respondent No.1 by speed post by the Registry for which Mr. Chatterjee undertakes to deposit the cost within one week.

10. With the above observations the O.A. stands disposed of. No order as to cost.

(Jaya Das Gupta)  
Administrative Member  
sb

(A.K. Patnaik)  
Judicial Member