



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA. 350/174/2017

Date of Order: 25.06.2018

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

Sabina Yeasmin, daughter of Md.
Yeasin Mondal, and wife of Md.
Shaifuddin, aged about 35 years,
By occupation-unemployed, residing
At Village- Bara Balidanga, P.O.
Sripally, P.S. Burdwan Sadar,
District-Burdwan, Pin- 713 101.

.....Applicant.

-versus-

1. Union of India, through the General
Manager, South Eastern Railway,
Garden Reach, Kolkata- 700 043.

2. The Chairman, Railway Recruitment
Cell, South Eastern Railway, Garden
Reach, Kolkata- 700 043.

3. The Chief Personnel Officer, South
Eastern Railway, Garden Reach,
Kolkata- 700 043.

4. The Chief Administrative Officer,
(Construction), South Eastern
Railway, Garden Reach, Kolkata-
700 043.

5. The Competent Authority for Land
Acquisition, South Eastern Railway,
Garden Reach, Kolkata- 700 043.

6. The Divisional Railway Manager,
South Eastern Railway, Adra Division,
P.O. Adra, Dist- Purulia, Pin- 712 136.

7. The Senior Divisional Personnel Officer,
South Eastern Railway, Adra Division
P.O. Adra, Dist- Purulia, Pin- 712136.

.....Respondents.

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For the Applicant : Mr. T. K. Biswas, Counsel

For the Respondents : Mr. B.L. Gangopadhyay, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, Judicial Member:

Heard both.

2. The applicant who is a married daughter of land owner Md. Yeasin Mondal has approached this Tribunal assailing the order dated 21.03.2016 issued in purported compliance of the direction of this Tribunal in OA. 350/01738/2015 whereby she has been informed by the Sr. Divl. Personnel Officer, S. E. Railway, Adra that the Dy. CE/Land has not recommended her case for consideration of appointment as land loser in terms of RBE No. 99/2010, since she is a married daughter of land loser and consequently upon her marriage, she is no longer dependent upon her father.

The applicant has submitted RBE No. 99/2010, nowhere prescribes that a married daughter would not be eligible for such consideration.

3. Ld. Counsel for respondents submits that the father of the applicant had been given the due compensation and the project has already been closed and therefore applicant would not be eligible for employment assistance.

4. However, the said ground does not appear to be the reason for non-consideration of the case of the applicant, as evident from the impugned order.

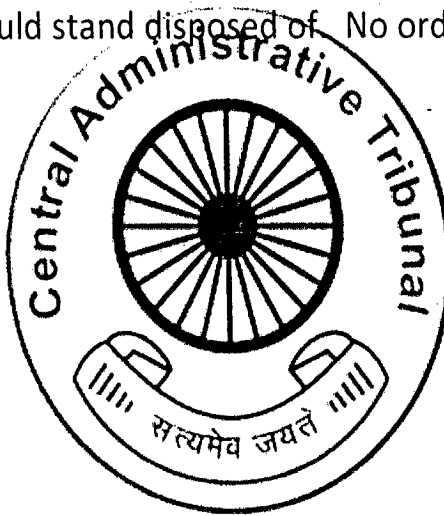
5. Therefore, in my considered opinion, the action of the respondent authorities in not recommending the case of the applicant for appropriate consideration is bad in law. In terms of RBE No. 99/2010, the General Manager of

the Railways in whose jurisdiction the land acquisition has been undertaken, shall be responsible for ensuring a fair and transparent selection of the candidates.

6. In view of the admitted position that because of the report of the Dy. CE/Land, the applicant's case had never been placed before the General Manager, it is ordered that the applicant's case shall be placed before the General Manager, S. E. Railway for appropriate consideration in terms of RBE No. 99/2010 and the said respondent authority shall pass an appropriate order untrammelled by the fact that applicant is a married daughter.

7. The entire exercise shall be completed by 3 months from the date of communication of this order.

8. Accordingly, OA would stand disposed of. No order is passed as to costs.



(Bidisha Banerjee)
Member (J)

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