

OA 350/331/2017

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District- Birbhum

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH
AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNALS ACT, 1985

O.A. No. 0331 of 2017

IN THE MATTER OF:

Hriday Pal,

residing at Village

Jagdhri, P.O.- Nalhati, P.S.-

Nalhati, District - Birbhum,

Pin Code- 731220.

...Applicant

-Versus-

1. THE GENERAL MANAGER,

Eastern Railway, 17, N.S.

Road, Kolkata- 700001.

2. THE CHIEF PERSONNEL

OFFICER, Eastern Railway, 17,

N.S. Road, Kolkata- 700001.

Al

3. THE DEPUTY CHIEF ENGINEER

(CONS.) III, 41/3, Telkal Ghat

Road, Howrah - 711101.

4. THE DIVISIONAL RAILWAY

MANAGER, Eastern Railway,

Howrah at 3rd floor, New

Complex Station Building (Yatri

Niwas), Howrah - 711101.

.....Respondents

Wd

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

Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

For the applicant : Mr. T. Manna, counsel

For the respondents : None

ORDER (ORAL)

Mr. A.K. Patnaik, J.M.

The instant O.A. has been filed by the applicant under Section 19 of the Central Administrative Tribunals Act, 1985 seeking the following reliefs:-

- i) "For a direction upon the respondent authorities to immediately issue appointment letter in favour of the applicant in terms of the notification/circular being RBE No. 99/2010 dated 16.07.2010 issued by Railway Board under Ministry of Railways, Government of India for appointment of land loser affected by land acquisition for Railway Projects.
- ii) For a direction upon the respondent authorities to consider with immediate effect and issue appointment letters to the applicant under the category / policy of appointment of land losers affected by land acquisition for Railway Projects.
- iii) Any other appropriate order and/or orders, direction and/or directions to which the applicant is otherwise entitled to in accordance with law."

2. Heard Mr. T. Manna, Id. counsel for the applicant. None appears for the respondents.

3. This is a matter relating to appointment under the category of land losers who were affected by land acquisition for Railway Projects.

4. Mr. T. Manna, Id. counsel for the applicant submitted that the applicant has made a representation to the Respondent Nos.1,2,3 and 4 i.e. the General



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Manager, Eastern Railway, Kolkata, the Chief Personnel Officer, Eastern Railway, Kolkata, the Deputy Chief Engineer(Con.)-III, Eastern Railway, Howrah and the Divisional Railway Manager, Eastern Railway Howrah respectively on 02.02.2015 followed by a reminder dated 24.02.2015(Annexure A/5 to the O.A.) but his prayer has not been considered till today. Mr. Manna submitted that the applicant would be satisfied if a direction is given to the respondents to consider and dispose of his representation by passing a reasoned and speaking order as per rules within a time frame.

5. Considering the facts and circumstances of the case, we think it would not be prejudicial to either of the sides if a direction is given to the Respondents to consider and dispose of the representation of the applicant as per rules and regulations in force within a time frame. Therefore, without waiting for reply we direct the Respondent No. 1,2,3 and 4 i.e. the General Manager, Eastern Railway, Kolkata, the Chief Personnel Officer, Eastern Railway, Kolkata, the Deputy Chief Engineer(Con.)-III, Eastern Railway, Howrah and the Divisional Railway Manager, Eastern Railway Howrah respectively to consider and dispose of the representation of the applicant dated 02.02.2015 along with reminder dated 24.02.2015 (Annexure A/5 to the O.A.)as per the rules and regulations in force by passing a well reasoned order within a period of four weeks from the date of receipt of this order, if such representation is still lying pending for consideration and communicate the decision to the applicant forthwith. After such consideration, if the applicant's claim is found to be genuine, then we hope and trust that expeditious steps will be taken by the respondents to extend the consequential benefits to the applicant within a period of six weeks from the date of taking decision in the matter.

W.L

6. 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.

7. A copy of this order along with the paper book may be transmitted to the Respondent No.1, 2, 3 and 4 by the Registry for which Id. counsel for the applicant shall deposit the cost within one week.

8. With the above observations the O.A. is disposed of. No order as to cost.

(Dr. N. Chatterjee)
Administrative Member

(A.K. Patnaik)
Judicial Member

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