



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

No.O.A. 350/377/2017

Date of order :06.11.2017

**Coram : Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member**

Sukumar Dutta, son of Late
Parbati Dutta, residing at Village-Jagdhari
P.O. and P.S.-Naihati, 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;
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

For the applicant : Mr. N. Roy, counsel
Mr. T. Manna, counsel

For the respondents : Mr. A.K. Banerjee, counsel

ORDER (ORAL)**Ms. Manjula Das, Judicial Member**

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. N. Roy, Id. counsel for the applicant and Mr. A.K. Banerjee, Id. counsel 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. On perusal of record it appears that the applicant had earlier approached this Tribunal by filing O.A. No.857/2015. Some other applicants had also filed similar cases before this Tribunal. All those O.As were disposed of by this Tribunal vide a common order dated 17.07.2015 by giving direction to the respondents to consider the claim of each individual applicant within a period of three months from the date of receipt of a copy of that order and to give appointment, if they satisfied the requirements contemplated under the scheme dated 16.07.2010. Thereafter the applicant had filed a contempt petition before this Tribunal



alongwith other applicants and all those contempt petitions were disposed of vide order dated 05.05.2016 with the following observations and directions:-

"7. We have considered the order of this Tribunal passed in the OAs which contains that if the applicants fulfil the criteria enumerated in the scheme of 16.07.2010, only then, appointment should be given. Therefore, we are of the view that substantial compliance of the order has been made by the respondents. However, the persons who have not been granted the benefit of the scheme would be at liberty to challenge the decision taken by the authorities by filing applications before appropriate forum in accordance with law."

5. The Id. Counsel for the applicant submits that the case of the applicant was not properly considered by the respondent authorities. However, he has not challenged the speaking order passed by the respondent authorities in the present O.A. Hence, he fairly prays that he may be permitted to withdraw this O.A. with liberty to file a better application challenging the speaking order.

6. Accordingly, the O.A. is dismissed as "withdrawn". Liberty is given to the applicant to file a fresh application challenging the speaking order, if he so desires. No order as to costs.

(Jaya Das Gupta)
Administrative Member

(Manjula Das)
Judicial Member

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