

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATABENCH
KOLKATA

O A NO. 350 /401/ 2018

Date of order: 17.04.2018

**Coram : Hon'ble Mr. A. K. Patnaik, Judicial Member
Hon'ble Dr.(Ms) Nandita Chatterjee, Administrative Member**

For the applicant : Mr. N. Roy

For the respondents : None

ORDER

A. K. Patnaik , Judicial Member

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

“(a) To issue direction upon the Respondent Authority to immediately issue appointment letter in favour of the applicant in terms of the Government Notification dated 16.07.2010 and 13.08.2010 for appointment of land losers affected by land acquisition for Railway Project;

(b) To issue further 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 effected by land acquisition for Railway Projects;

(c) To issue further direction upon the Respondent Authorities to consider the representation for appointment to the Land loser in Group – ‘D’ Post;

(d) Any other order or further order or orders as deem fit and proper under the facts and circumstances of the case;

(e) To produce connected Departmental Record at the time of hearing.

2. Heard the Ld. Counsel for the applicant Mr. N. Roy. None appears for the respondents.

3. Brief facts of this case as narrated by the applicant are that the land of the applicant was taken by the railway authorities for maintenance, management and operation of special Railway Project namely, Dankuni to Furfura Sharif New B. G. Line in the State of West Bengal as per their notification. Thereafter, the applicant applied for appointment to the respondent authorities under the land losers' quota. It is submitted by the Ld. Counsel for the applicant that despite repeated requests/representations to the competent authority his case for appointment under the land losers' quota has not been considered. It is further submitted by the Ld. Counsel for the applicant that the respondent authorities did not take any steps for granting him appointment even after the advocate's notice was sent by the applicant. Being aggrieved and dissatisfied with such action of the respondent authorities, the applicant has come to this Tribunal seeking the aforesaid reliefs.

4. Ld. Counsel for the applicant has prayed for a direction upon the respondents authorities to consider his representation at Annexure A/8. However, on perusal of Annexure A/8 we find that this is an Advocate's notice dated 22.11.2017 which cannot be considered as per rules.

5. On sincere prayer made by Ld. counsel for the applicant, liberty is given to the applicant to file a comprehensive representation to the respondent No.2 i.e. The Chief Personnel Officer, Eastern Railway, Fairlie Place, Kolkata within a period of two weeks from today. In case such representation is preferred by the applicant within 2 weeks to the respondent No.2, the Respondent No.2 i.e. the Chief Personnel Officer, Eastern Railway, Fairlie Place, Kolkata shall consider and dispose of the same as per rules and regulations governing the field within a period of four weeks from the date of receipt of such representation.

6. Though we have not passed any order on the merit of the matter, still then, we hope and trust that after such consideration if the grievance of the applicant is found to be genuine, then the respondent authorities shall take expeditious steps to extend the benefits to the applicant within a further period of eight(8) weeks from the date of taking decision in the matter.

7. A copy of this order be handed over to the Ld. Counsel for the applicant Mr. N. Roy for annexing the same along with the representation to be preferred by the applicant to the respondent No.2 as directed above.

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

(Dr. Nandita Chatterjee)
Administrative Member

(A. K. Patnaik)
Judicial Member

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