

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

LIBRARY

OA. 350/00490/2016

Date of Order: 09.06.2016

Present :Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

Hirulal Chakraborty & Ors.
Vs.
Union of India & Ors. (E. Rly.)

For the Applicant : Mr. K. Chakraborty, Counsel

For the Respondents : Mr. BL Gangopadhyay, Counsel

O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:-

The applicants have sought for following reliefs:

"To file and prosecute this application jointly under Rule 4(5)(a) of the A.T. (Procedure) Rules, 1987 since all of them have prayed for the same reliefs arising out of same cause of action as disclosed in this application.

(b) Do issue mandate upon the respondents, their men and agents and each of them to forthwith consider the pending representations of the applicants and on such consideration do offer appointment to the applicants in the railways as per the RBE No. 99/2010 dated 16.07.2010 in the Post and in the Pay Band and Grade Pay as specified in the said RBE No. 99/2010 dated 16.07.2010 under the Land Losers Scheme.

(c) Pass such other or further order or orders mandate or mandates, direction or directions as may appear to be fit and proper."

2. During the course of hearing both the counsel submitted that the claim of the applicants is identical to the applicant in OA. 350/01832/2015 referred to by the applicants for identical benefits.
3. The order passed in the said OA is extracted hereinbelow for clarity:

"Heard both.

2. *This O.A. has been filed seeking the following reliefs:-*

"(a) Office order dated 12.9.2012 issued by the Divisional Personnel Officer, South Eastern Railway, Kharagpur, cannot be tenable in the eye of law and same may be quashed.

(b) An order do issue directing the respondents to grant an appointment in favour of the applicant No. 2 as he was declared already screened for appointment in the Railway.

(c) Leave may be granted to file this original application jointly under Rule 4(5)(a) of the CAT (Procedure) Rules, 1987."

3. The grievance of the applicant is that his candidature for compassionate appointment on the ground that he is the son of the land loser was not acceded to by the respondent authority concerned because in his education certificate, his father's name was mentioned as Bablu Samanta. But the land acquired stood in the name of Manoj Kumar Samanta. Hence, the Railway authority wanted that the educational certificate of the applicant should be got corrected by the appropriate authority. The Ld. Counsel for the applicant would submit that after the applicant passed all the tests for recruitment, only at the screening stage this discrepancy was noted by the Railway authorities and they gave direction to the aforesaid effect.

4. The Ld. Counsel for the applicant would also state that overwhelming, clinching documents are available with the applicant to show that the names of Bablu Samanta and Manoj Kumar Samanta are referring to one and the same person, so to say, the father of the applicant, and a suitable direction may be given in this regard.

5. The Ld. Counsel for the respondents would submit that if time is granted a detailed reply would be filed.

6. On hearing both, what we could understand is that here the Railway authorities simply wanted clarification regarding the identity of the applicant and for that they gave such a direction that the applicant should get the education certificate corrected by the appropriate authority. In our considered view that would amount to placing absolute reliance on educational authority. Instead of educational authority correcting it, it is for the Railways with the help of their officers and PRO to consider the documents, which the petitioner now is undertaking to produce before them and come to a conclusion within a time frame.

7. Accordingly, the applicant is directed to produce clinching documents regarding his identity, so to say, that he happens to be the son of Manoj Kumar Samanta also known as Bablu Samanta. The applicant undertakes to produce such certificate before the officer concerned within a period of one week from the date of receipt of a copy of this order; whereupon the officer concerned shall within a period of two months thereafter consider the same and pass a reasoned and speaking order and communicate the same to the applicant.

8. The O.A. is, accordingly, disposed of. No costs."

4. In view of the fact that the present applicants being the sons of land losers they would therefore be governed by the circular of Railway Board in RBE No. 99/2010 which explicitly specified the following :

"The applicant shall be a person (sole owner of land or son/daughter/husband/wife of the sole owner) whose land or a portion thereof has been acquired for the project."

5. It also emerged that their representations have failed to elicit any response as yet. Therefore, the OA is disposed of with a direction upon the respondents to consider the cases of these applicants for appointment in terms of RBE No. 99/2010 and pass appropriate order within 3 months from the date of communication of this order.
6. In case documents as referred to in OA. 350/01832/2015 are required to be produced by the applicants, the respondents shall ask for the same within a period of one month from the date of receipt of a copy of this order and based upon the same pass appropriate order within the aforesaid period.
7. It is made clear that we have not gone through the merits of this matter. All points are kept open for consideration by the respondents' authorities.
8. OA is accordingly disposed of. No costs.

(Jaya Das Gupta)
Member (A)

(Bidisha Banerjee)
Member (J)

pd