

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/448/2011

Date of Reserve:25.03.2019

Date of Order:29.04.2019

CORAM:

HON'BLE MR.GOKUL CHANDRA PATI, MEMBER(A)
HON'BLE MR.SWARUP KUMAR MISHRA, MEMBER(J)

Padana Gouda, aged about 33 years, S/o. Late Dhana Gouda, Vill-Amitiguda,
PO/PS/Dist-Koraput.

...Applicant

By the Advocate(s)-M/s.P.R.J.Dash
L.Pani

-VERSUS-

Union of India represented through:

1. The General Manager, East Coast Railway, Rail Sadan, Chandrasekharapur, Bhubaneswar, Dist-Khurda, Odisha.
2. Divisional railway Manager, East Coast Railway, Waltair, At/PO-Visakhapatnam (AP), PIN-530 016.
3. Deputy Chief Engineer (Con.), East Coast Railway, Koraput at Visakhapatnam, D.R.M. Office Complex, At/PO-Visakhapatnam-530 016 (AP).
4. Collector, Koraput, At/PO/Dist-Koraput, PIN-764 020.
5. Land Acquisition Officer, Koraput, At-Collectorate Compound, PO/Dist-Koraput-764 020.

...Respondents

By the Advocate(s)-Mr.T.Rath
Mr.J.Pal

ORDER

PER SWARUP KUMAR MISHRA, MEMBER(J):

In this Original Application under Section 19 of the A.T.Act, 1985, the applicant has prayed to quash the impugned order dated 24.12.2010 (A/8)

and for direction to Respondents to provide him employment assistance as a displaced person under the Rehabilitation Policy formulated by the Railways.

2. Shorn of unnecessary details, it would suffice to note that the applicant had earlier this Tribunal in O.A.No.576 of 2010 and this Tribunal vide order dated 29.09.2010 with direction to Respondent No.1 to consider the pending representation and pass a reasoned order to be communicated to the applicant. In compliance of the aforesaid direction, the Divisional Railway Manager, East Coast Railway, Waltair vide his letter dated 24.12.2010 (A/8) rejected the request of the applicant for appointment in the Railways as a land oustee. For the sake of clarity, the relevant paragraphs are quoted hereunder:

"In this connection, it is to inform you that Railway Board under letter No.E(NG)/11/82/RC1/95 dated 31.12.1982/1.1.1983 (CPO/GRC Estt.Srl.No.322/87) (copy enclosed) has laid down guidelines concerning employment of displaced persons on the Railways. As per the above guidelines, the displaced person or his ward can be given employment in the organization including engagement as casual labour and given preferential treatment for such employment provided the displaced person did not derive any benefit from the state government in the form of alternative cultivable land etc.

In the light of the above instructions, Addl.District Magistrate, Koraput recommended about 1346 candidates for extending employment under rehabilitation assistance scheme to the land losers due to acquisition of land for construction of Koraput-Rayagada Rail Link Project.

Here, it is pertinent to inform you that your name or your father's name was not placed in the list of candidates forwarded by District Collector/Koraput. Hence, a duly constituted screening committee comprising of three officials (two from Railways and one from the State Government) could not consider your candidature at the relevant time. Moreover, you could be only 11 years at that time as per the details furnished by you.

Further, it is seen from the documents submitted by you that an amount of Rs.5340.23 Ps. Was paid to your father and his four brothers to an extent of Ac. 9.92 cents of Mouza-Duruguda which was recorded in the name of your father and his brothers towards compensation issued by Special LAO/Koraput.

Further, as per the instructions contained in the same Railway Board letter, the offer of employment is limited to the first recruitment or within a period of 2 years after the acquisition of the land, whichever is later. The project was completed in the year 1995 whereas you have represented for providing employment under rehabilitation assistance scheme only in 2009.

In view of the foregoing and the fact that the recruitment for the land losers was completed in the year 1990 and the limit of 2 years from the date of acquisition already completed long back, your request for appointment as a land oustee in the erstwhile S.E. Railway (now East Coast Railway) cannot be agreed as per the existing guidelines".

3. Hence, this Application with the aforesaid prayer.

4. We have heard the learned counsels for the parties and perused the records. It is not in dispute that at the relevant point of time when the screening committee considered the matter of such land oustess for employment assistance, the applicant was about 11 years. It is also not in dispute that the offer of employment is limited to the first recruitment or within a period of 2 years after the acquisition of the land, whichever is later and whereas the project was completed in the year 1995, the applicant submitted his representation for providing employment under rehabilitation assistance scheme only in the year 2009, which is about 14 years after the project was completed. We have also gone through the relevant scheme and the clarification issued in such matters. We do not find anywhere in the scheme that there is any such provision for considering the cases of rehabilitation assistance in future where the ward or dependant of the land oustee was not major at the time when the land acquired for the project was completed. Applicant has also not filed a petition for condonation of delay explaining as to what prevented him from approaching this Tribunal within the prescribed period of limitation, i.e., within a period of 2 years after acquisition of land and/or when his name was not recommended by the State

Government authorities for employment assistance. Since this O.A. is hopelessly barred by limitation, particularly, the delay being unexplained, this Tribunal has no other alternative than to dismiss this O.A. solely on the ground of delay and laches. Accordingly, the O.A. is dismissed, with no order as to costs.

(SWARUP KUMAR MISHRA)
MEMBER(J)

BKS

(GOKUL CHANDRA PATI)
MEMBER(A)

