

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/113/2014

DATE OF ORDER: 23.01.2019

CORAM

HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER
HON'BLE MR. A. MUKHOPADHAYA, ADMINISTRATIVE MEMBER

Latesh Tank S/o Shri Munna Lal, aged about 29 years, R/o Gulab-Bari, Nayaghar, Near Tejaji Ki Devli, Ajmer, Rajasthan.

....Applicant

Mr. Iliyas Khan, counsel for applicant.

VERSUS

1. Union of India through the Chairman, Railway Board, Ministry of Railway, (Rail Mantralay) Rail Bhawan, New Delhi.
2. Secretary, Railway Board, Rail Bhawan, New Delhi.
3. Divisional Railway Manager, Ajmer (Raj.).
4. Dedicated Freight Corridor Corporation of India Ltd. through its Chief Project Manager, Ajmer Unit having its office at 42-A/3 Civil Lines, Ajmer, Rajasthan.

....Respondents

Mr. M.L. Goyal, counsel for respondents no. 1 to 3.
Mr. Anupam Agarwal, counsel for respondent no. 4.

ORDER (Oral)

Per: Suresh Kumar Monga, Judicial Member

The land of the applicant's mother comprising in Khasra Nos. 979 and 983 of Village Saradhana, District Ajmer was acquired by respondent no. 1 for a project undertaken by the Dedicated Freight Corridor Corporation of India Ltd. (D.F.C.C.I.L.) / respondent no. 4. After issuance of the notification for acquisition, the respondents issued a letter dated 10th May, 2013 (Annexure A/15) whereby the applicant was directed to submit his application in order to seek employment

on compassionate grounds in terms of policies dated 16.07.2010 (Annexure A/5) and 28.09.2010 (Annexure A/6). Consequent thereto, the applicant submitted his application seeking employment on compassionate grounds. The said application has been declined by the respondents vide order dated 03.06.2013 (Annexure A/1) stating therein that since the land was acquired for a project to be undertaken by D.F.C.C.I.L., therefore, no benefit under the aforesaid policies can be extended to applicant. Aggrieved by the said order, the applicant has preferred the present Original Application under Section 19 of the Administrative Tribunals Act, 1985.

2. At the very outset, learned counsel for the applicant stated that in an identical matter, i.e. in the case of Nagesh Kumar Vishwakarma & Anr. vs. Union of India & Ors. (O.A. 701/2013), decided on 29th May, 2013, wherein the land was acquired by the Government for a project to be undertaken by Dedicated Freight Corridor Corporation of India Ltd. (D.F.C.C.I.L.), the Allahabad Bench of this Tribunal directed the respondents to consider and decide the applicant's representation by way of passing a detailed reasoned and speaking order. He also placed reliance upon an order of Chandigarh Bench of this Tribunal in the case of Daler Singh & Anr. vs. Ministry of Railway & Anr. (OA No. 060/01392/2017) decided on 06th September, 2018, wherein the respondents were directed to re-consider the case of applicant therein for appointment on compassionate grounds in accordance with the policy instructions.

3. Learned counsel for the applicant further stated that the applicant would be satisfied if a direction is issued to

respondents-railways to revisit the order dated 03.06.2013 (Annexure A/1) while keeping in view the orders passed by the Coordinate Benches of this Tribunal in the cases of Nagesh Kumar Vishwakarma & Anr. (supra) and Daler Singh & Anr. (supra).

4. In view of the afore-stated limited prayer made by learned counsel for the applicant, we deem it appropriate to dispose of the present Original Application with a direction to respondents-railways to revisit the order dated 03.06.2013 (Annexure A/1) and pass a reasoned and speaking order while keeping in view the orders passed by the Coordinate Benches of this Tribunal in the cases of **Nagesh Kumar Vishwakarma & Anr.** (supra) and **Daler Singh & Anr.** (supra). A further direction is issued to respondents-railways that before taking any decision into matter, the applicant shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of two months from the date of receipt of a certified copy of this order.

Ordered accordingly. No order as to costs.

(A. MUKHOPADHAYA)
ADMINISTRATIVE MEMBER

(SURESH KUMAR MONGA)
JUDICIAL MEMBER

Kumawat