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Before the Central Administrative Tribunal, Calcutta Bench.

O. A. No-350/1428/2018.

In the matter of:

An application under section 19 of the Administrative Tribunal Act, 1985.

In the matter of:

Jayatri Ghosh,

Daughter of Amar Chand Ghosh. *unemployed*

Village- Kamrangu(South).

Post Office-Jhorehat.

Police station-Sankrail.

District-Howrah. Pin-711302.

Applicant.

--VERSUS--

1..Union of India, service through the General Manager, South Eastern Railway, Garden Reach. Calcutta-700043.

2. Divisional Railway Manager, South Eastern Railway Kharagpur. Post office and the police station-

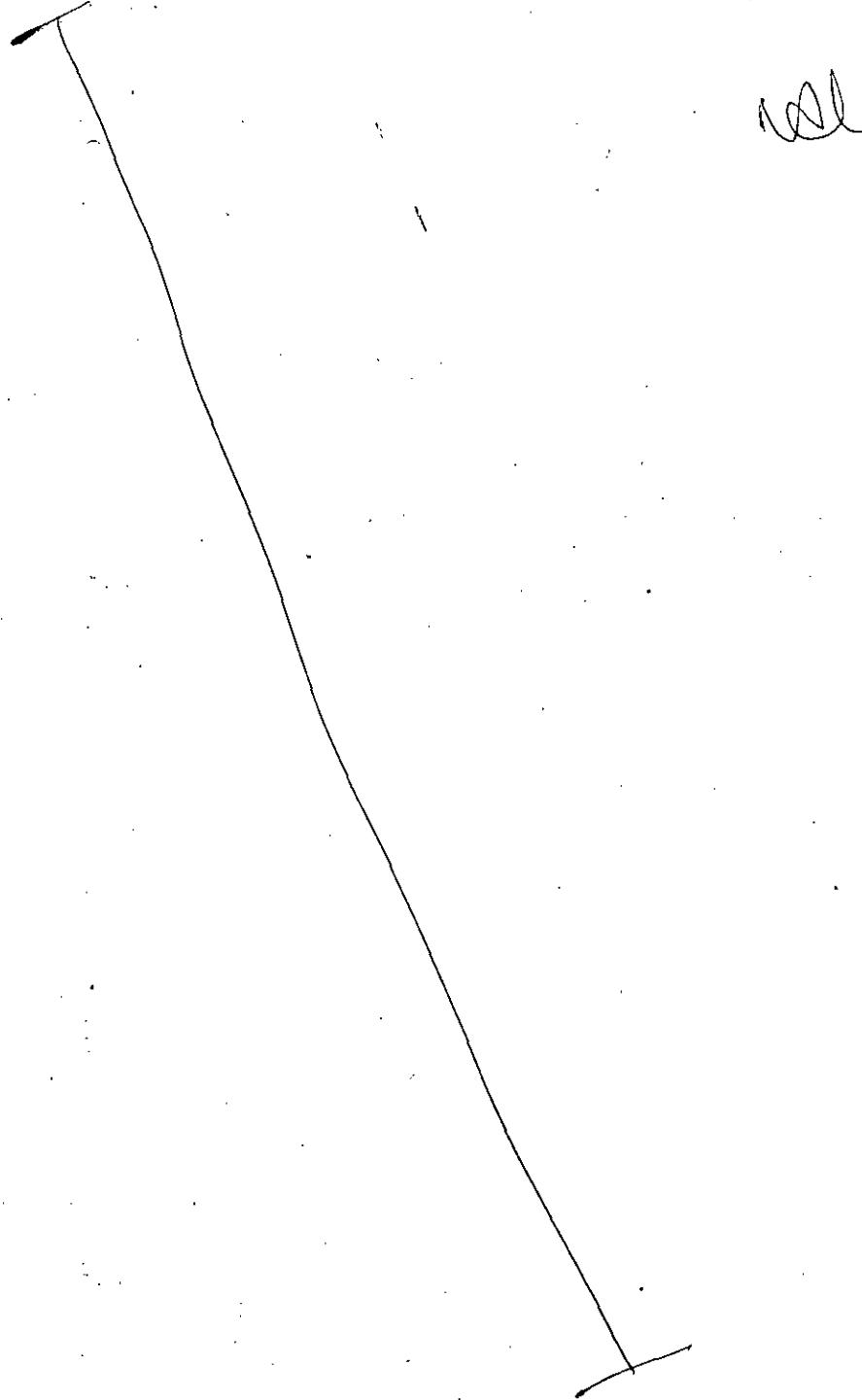
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Kharagpur, District- Paschim Medinipur, Station – Kharagpur, District-
Paschim Mednipur, Pin- 721 301.

3. Divisional Personnel Officer, South Eastern Railway, Kharagpur, Post
Office and Police- Kharagpur, District- Paschim Medinipur, Pin- 721 301.

.....Respondents.



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1428/2018

Date of Order: 18.12.2018

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

Jayatri Ghosh -vs- UOI & Ors.

For the Applicant(s): Mr. A.Chakraborty , Counsel

For the Respondent(s): Ms. G. Roy, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ld. Counsel for both the parties, in extenso.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

"8.(a) An order directing the respondent authority to consider the case of the applicant for providing an appointment under land loser category on the basis of the circular vide No. E(NG)11/2010/RC-5/1, RBE No.99/2010 dated 16/07/2010, within a stipulated period of time.

(c) Call for the records of the instant case so that consonable justice may there in be administered.

(d) Pass such other order or orders as you Lordship may deem fit and proper."

3. The brief case of the applicant as enumerated by the Ld. Counsel for the applicant is that the respondent authority acquired the land of the father of the applicant. She being the only daughter of the land loser, whose land was acquired by the respondent authority for construction of railway freight terminal at Sankrail, District of Howrah, submitted representation dt. 01.08.2018 before the respondent authority for appointment in group D post. It has been submitted by the Ld. Counsel for the applicant that the railway authority had issued a Letter No. E(NG)11/2010/RC-5/1 dated 16/07/2010 to consider the application submitted by

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the land loser and/or by one of the legal heir of the land loser for appointment in group D post under the railway authority. Ld. Counsel for the applicant submitted that ventilating her grievance the applicant has preferred representation on 01.08.2018 under Annexure A/4 to Respondent No. 2 but that has not yet been considered. He further submitted that the grievance of the applicant may be redressed, if the Respondent No. 2 is directed to consider her representation within a specific time frame.

4. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 2 to consider the representation of the applicant under Annexure A/4, if the same has been filed and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations in force within a period of six weeks from the date of receipt of copy of this order. I make it clear that if after such consideration the applicant's case is found to be genuine and she is otherwise entitled then she may be given the benefit of appointment within a further period of six weeks. I also make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within two weeks.

5. With the aforesaid observation and direction, this O.A. stands disposed of at the admission stage. No costs.

6. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 2 by Speed Post, for which, he undertakes to deposit the cost with the Registry within a week.

7. Copies of this order be handed over to the Ld. Counsel for the parties.

(A.K Patnaik)
Member (J)

RK/PS