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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA.

OA/350/00054/2019 with MA 350/31/2019
PARTICULARS OF THE APPLICANT:

1. Sudip Datta, son of Joydeb Datta, by Occupation -
Unemployed, aged about 20 years, residing at
Village and Post Office-Guir, District-Burdwan,
PIN-713423, West Bengal.
2. Joydeb Datta, son of Dhananjoy Datta, aged about
58 years, residing at Village and Post Office-
Guir, District-Burdwan, PIN-713423, West Bengal.

...APPLICANTS.

- V E R S U S -

PARTICULARS OF THE RESPONDENTS:

1. Union of India, service through the General
Manager, South Eastern Railway, Garden Reach,
Kolkata-700043.
2. The Divisional Railway Manager(P), South Eastern
Railway. Adra Divison, Adra, -723121.
3. The Sr. Divisional Personnel Officer, South Eastern
Railway. Adra Divison, Adra, -723121

...RESPONDENTS.

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/54/2019
M.A/350/31/2019

Date of Order: 14.03.2019

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

Sudip Datta & Another -vs- S.E Railway

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

For the Respondent(s): Mr. A. K. Banerjee, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ms. P.Mondal, Ld. Counsel for the applicants.

2. As no-one appears on behalf of the Respondents and Mr. A.K.Banerjee, who usually appears for the South Eastern Railways, is present in the Court, on my request, Ms. Mondal has served copy of the O.A., along with annexures, on him as I do not want the Official Respondent to go unrepresented. Heard Mr. A.K.Banerjee, in extenso.

3. M.A.No. 31/2019 filed for joint prosecution of this case is allowed and disposed of accordingly.

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

“a) An order do issue directing the respondents to appoint the applicant No. 1 in Group-D posts under the railway under the Land Losers category at an early date.”

5. The case of the applicants, in nutshell, as submitted by Ld. Counsel is that the land of the applicants were acquired by the Railway for construction of Bowaichandi-Arambagh New Broadgauge Railway line and, thereafter, a land loser.

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certificate was issued to them. The applicants applied for appointment on land loser quota but the same has not been considered by the authorities. The applicants came to know that some persons, whose land was acquired by the Railway under the aforesaid project, were given appointment as Substitute Group D under the office of the respondent No. 3. Ld. Counsel for the applicants fairly submitted that although ventilating their grievance, applicant No.1 has preferred representation on 21.08.2018 under Annexure-A/4 before Respondent No.3 but till date no reply has been communicated to them. She further submitted that the grievance of the applicants may be more or less redressed if the representation is considered by Respondent No.3 within a specific time frame.

6. 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. 3 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 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 case of the applicants is found to be genuine and they are otherwise eligible then expeditious steps be taken within a further period of six weeks to extend the benefit of appointment in favour of applicant No.1. If in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicants within a period of one week.


7. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

8. As prayed for by the Ld. Counsel for the applicants, copy of this order, along with paperbook be transmitted to Respondent No. 3, for which, she undertakes to deposit the cost with the Registry within a week.

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


(A.K. Patnaik)
Member(J)

RK/PS

