

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING : BILASPUR**Transferred Application No.203/00009/2015**

(Arising out of WP No.(S) 10/2013)

Bilaspur, this Thursday, the 04th day of April, 2019**HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER**
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

Ghanshyam Singh Rajput, aged about 32 years, S/o Late shri Madho Singh, Residing at Ward No. 08, Near Gulab Kirana Stores, Sunder Nagar, Kohka, Bhilai Nagar, Post Office – Kohka – 490028, Distt. Durg (CG) P.S. - Supela **-Applicant**

(By Advocate – None)**V e r s u s**

1. Union of India through General Manager, South East Central Railway, Bilaspur Zone, G.M. Office, Vistar Bhawan, Post Office – Bilaspur 495004.

2. Chief Administrative Officer (Construction), South East Central Railway, Bilaspur (Chhattisgarh) – 495004.

3. Steel Authority of India Limited through Managing Director, Bhilai Steel Plant, ISPAT BHAWAN, Bhilai Nagar – 490001, Tah. & Distt. Durg (C.G.)

4. Shri Narendra Kumar, aged 56 years, S/o Late Shri Chandrapal Singh, Employee in Bhilai Refractories Plant, Steel Authority of India Limited, Resident of – Qr. No. 4A, Street 35, Sector 8, Bhilai – 490009, Tah. & Distt. Durg (C.G). P.S. – Bhilai Nagar **-Respondents**

(By Advocate – Shri Vivek Verma for respondents Nos.1 & 2, Dr. S.K. Pande for respondent No.3, Shri B.P. Rao for respondent No.4)

ORDER (REASONED)**By Navin Tandon, AM.**

Shri V.G. Tamaskar, learned counsel for the applicant has submitted an application for adjustment during the entire period of Sitting of this Bench at Bilaspur from 01.04.2019 to 05.04.2019.

2. On the last date of hearing, it was ordered that no adjournment shall be given today and in case either of the parties is not present, the matter shall be heard and decided under Rule 15(1)/16(1) of the CAT (Procedure) Rules, 1987, as the case may. Therefore, in terms of our powers conferred under Rule 15(1) of the CAT (Procedure) Rules, 1987, we propose to decide the case after hearing the counsels for the respondents and the pleadings available on record.

3. Learned counsel for the official respondents submits that this is a case where the appointment is to be granted by the Railways for construction of Dallirajhara-Raoghat-Jagdalpur Railway line. In the present case, it was found that there are more than one owner of the land. Therefore, applicant's case for appointment under the Railways is to be considered under Estt. Rule No.183/2010 (Annexure R-2), which reads as under:

“The applicant shall be a person (sole owner of land or son/daughter/Husband/Wife of the sole owner) whose land or portion thereof has been acquired for the project. In case the land is owned by more than one person, the competent Authority, as defined in the Railway (Amendment) Act 2008/Land Acquisition Officer, will decide who shall be considered as applicant. Only one Job shall be offered to an applicant from the land loser family.”

4. We find that in a similar case TA 203/00010/2015, **(Rajkumar Singh vs. Union of India & Ors.)**, decided on 28.09.2018, we have disposed of the TA in the following terms:

“2. At this stage, learned counsel for the applicant submits that if a direction can be given to obtain the said certificate from the competent authority.

3. Learned counsel for both the respondents submits that they have no objection to it, if this T.A. is disposed of in above manner.

4. Accordingly, this T.A is disposed of, without going into the merits of the case, by granting liberty to the applicant to approach the competent authority, as defined in the Railway (Amendment) Act, 2008 to obtain the required certificate from the said authority.”

5. Accordingly, without going into the merits of the case, we dispose of this TA in similar terms, by granting liberty to the

applicant to approach the competent authority, as defined in the Railway (Amendment) Act, 2008 to obtain the required certificate from the said authority. No costs.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

am/-