



CENTRAL ADMINISTRATIVE TRIBUNAL,
CALCUTTA BENCH, KOLKATA

O.A. 350/00107/2015

Date of Order : 04-01-2016

Present : Hon'ble Mr Justice G. Rajasuria, Judicial Member
Hon'ble Ms Jaya Das Gupta, Administrative Member

1. Shri Subhas Barman
2. Shri Mantu Barman
3. Shri Joydeb Barman
4. Manirul Islam
5. Shri Aswini Barman
6. Shri Rajib Barman
7. Shri Sanjoy Sarkar
8. Shri Raju Roy BasuniaApplicants

Vs.

Union of India & Ors. (N.F.Railway)Respondents

For the Applicants : Mr. K. S. Alam, Counsel

For the Respondents : Mr. A. K. Banerjee, Counsel
Ms S.D. Chanda, Counsel

ORDER (ORAL)

JUSTICE G.RAJASURIA, JM

Heard both sides. This O.A has been filed seeking the following reliefs :

- a) The respondent authorities shall be ordered to accept the offer of appointment of the applicants as per circular issued by the Railway authority;
- b) Leave may be granted to file this application jointly under Rule 4(5) (a) of CAT (Procedure) Rules 1987 having same cause of action;
- c) Any other or further order or orders as Your Lordships may deem fit and proper;
- d) Costs of the proceedings.

2. The learned counsel for the applicants placing reliance on the averments in the O.A would detail and delineate that his clients are belonging to the families of the land losers and they are in need of job under the land loser scheme. Applicants also made individual representation as contained in Annexure A-1.

3. Per contra the learned counsel for the Railway Administration respondents by drawing the attention of this Court to Annexure A-9 the communication dated 16.07.2010 of the Railway Board would develop his argument that the last para of the said Annexure A-6 contains the following :

"8. These instructions normally will not be applicable in those cases where land acquisition process has been concluded by way of possession of land by Railway."

and accordingly the land loser scheme cannot be pressed into service in favour of those family members who seek employment on the ground that they are the family members of land losers before the communication dated 16.07.2010. Admittedly the applicants belonging to the family of land loser whose lands were acquired long before the said communication dated 16.07.2010. As such the applicants have no right to claim any job invoking the land losers scheme. Accordingly he would pray for the dismissal of the O.A.

4. The point for consideration is as to whether the Railway administration could be directed to consider the representation of the applicants seeking job on the ground that they belong to the family of land losers.

5. No doubt, the learned counsel for the Railways by referring to Para No. 8 of the communication dated 16.07.2010 highlighted and spotlighted that such of those family members who belong to the family of land losers before the communication dated 16.07.2010 cannot claim any benefit of the said scheme. Learned counsel for the applicants would implore and entreat that when the Railway administration is prospectively considering the request of the land losers for compassionate appointment under the land losers scheme, the family members whose lands were acquired prior to communication dated 16.07.2010 should not be discriminated and Article 14 of the Constitution of India cannot be violated. As of now, we are of the view that this matter need not be decided on merits and at the first instance a suitable direction could be given to the Railway administration. Accordingly we would like to issue the following direction :

Railway authority shall consider the representations of the applicants and pass a suitable order as per rules and regulations within a period of four months from the date of receipt of this order and communicate the same to the applicants.

O.A is accordingly disposed of. No costs.

(JAYA DAS GUPTA)
ADMINISTRATIVE MEMBER

(G. RAJASURIA)
JUDICIAL MEMBER