



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

CPC. 350/00141/2015
(OA. 350/00526/2015)

Date of Order: 04.02.2016.

Present :Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Jayati Chandra, Administrative Member

Biswanath Mal & Ors.
Vs.
R. K. Gupta & Anr. (E. Rly.)

For the Applicant : Mr. AK Bairagi, Counsel

For the Respondents : Mr. SK Das, Counsel

ORDER

Per Ms. Bidisha Banerjee, JM:-

On 21.04.2015 the OA was disposed of with a direction upon the respondents to take a view in the matter and pass appropriate reasoned and speaking order within two months from the date of receipt of a copy of the order. Such order was passed in view of the fact that in an identical OA being OA No. 350/00032/2015 in regard to land losers, whose land was acquired for construction of Special Railway Project, namely, Dankuni-Furfura Sherif New Broad Gauge Line, were languishing despite being screened long back and despite assurance given by the Railway that the claim of the applicants' would be considered against Gr. 'D' post. In the said matter the respondents had submitted that the matter was under consideration and a list of 49 persons who were entitled to be appointed was already prepared. The applicants in the present OA i.e. OA. 526/2015 have allegedly lost their land in regard to the same Railway Project.

2. During the course of hearing the learned counsel for respondents submitted a speaking order issued on 17.07.2015 which showed that all the 35 land losers applicants were scrutinized along with documents and papers submitted by them, which is reproduced hereinbelow:

"In a nutshell, the facts of the case are that Ministry of Railways issued notification for land acquisition for the Railway Projects of new line between Dankuni to Furfura Sharif. Railway Board issued guidelines from time to time for appointment of land losers affected by land acquisition for Railway Projects. Railway Board vide their letter No. (NG)II/2010/RC-5/1 dated 16.07.2010 issued

some guidelines wherein it was mentioned that Railway may call and consider applications for employment to PB-1 Pay Band of Rs. 5200-20200/- with Grade Pay Rs. 1800/- only from land losers on account of acquisition of land for the projects on the Railways (excluding those for deposit works) fulfilling the screening criteria as enumerated thereon. Accordingly, a detailed Joint Procedure Order was chalked out by this office to give effect to consider the cases of land losers. As per procedure, a committee of JA Grade Officers constituted by G. M meets once in 3 months and scrutinizes the applications so received and give recommendations to G. M for those who fulfill all the criteria for consideration in terms of Railway Board's –aforesaid letter dated 16.07.2010.

In the aforesaid project, a large number of applications were received and after preliminary check up the applications are sent to the Screening Committee for detailed scrutiny. In this case, all the 35 no. of Land Losers' Certificate-cum-Application Forms have been scrutinized along with the documents/papers submitted by them. On preliminary case-wise scrutiny, it has been observed that all the 35 no. of Land Losers' Certificate-cum-Application Forms are having anomalies/deficiencies in respect of overwriting/not filing up of forms properly/non-submission of requisite documents etc. Accordingly, Sri Biswanath Mal along with 34 no. of applicants involved in the aforesaid OA have been informed through Speed Post, with a copy to Sri A. K. Bairagi, Counsel appearing for applicants, with the advise to contact this office immediately for necessary rectification/covering up of the anomalies/deficiencies appeared in their Land Losers' Certificate-cum-Application Forms before submission of their Application Forms to the Screening Committee for scrutinizing the claim of the applicants as per procedure for further course of action."

3. In view of the action taken by the respondents to scrutinize the documents and to process the case, so far, we have found no deliberate or intentional violation of our directions. We also hope and trust that the respondents would complete the process of verification as expeditiously as possible and would extend the benefits as would be due to the applicants in accordance with law.
4. Therefore, we would drop the Contempt Proceeding and discharge the notices, if any, issued with liberty to the applicant to revive the contempt proceeding in case of any subsequent violation of our order.

(Jayati Chandra)
Member (A)

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(Bidisha Banerjee)
Member (J)