

02 18.11.2022

Ct-08

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RVW 122 of 2021
in
WPCT 28 of 2021
with
CAN 2 of 2021

Union of India & Ors.
Vs.
Jahangir Chowdhury & Ors.
with
CPAN 713 of 2022

Mr. Siddhartha Lahiri
Mr. Deepak Kumar Singh
Mr. Debraj Dutta
... For the Review Applicants/
Union of India

Mr. Shuvanil Chakraborty
Mr. Debasish Banerjee
Ms. Gargi Roy
... For the Respondents in
Review Application

We have heard the learned counsel appearing for the review applicants.

It is submitted that the judgment and order dated 1st July, 2021 is vitiated due to error apparent on the face of the record. It is further submitted that we have erred in not considering that in the speaking order dated 27th June 2016 passed by the Railway it has been categorically mentioned that the respondents/land losers cannot be considered.

We have repeatedly asked Mr. Siddhartha Lahiri, learned counsel for the Union of India, to show from the writ petition that such ground was taken ever before the Tribunal or before us that had resulted in the order dated 1st July, 2021. Mr. Lahiri has candidly submitted that such ground has not been taken in the writ petition. Moreover, we find from petition of WPCT 28 of 2021 that a specific statement has

been made by the writ petitioners, applicants herein, that the “learned Tribunal failed to consider that the land loser scheme in pursuance of which 28 Land Losers were granted employment cannot be applicable to the respondents herein as because the said scheme is not alive at present and has been superseded vide Railway Board Circular dated 28th September, 2010”.

In our earlier order dated 11th November, 2022 we have recorded that the land loser certificates have been disclosed by the respondents in their affidavit-in-opposition but the petitioners did not verify the authenticity of the said documents. The said documents have not been disputed by the review applicants in course of hearing.

On such consideration, the review application being RVW 122 of 2021 fails and is hereby dismissed.

In view of dismissal of the review application we direct the alleged contemnors to comply with the order dated 1st July, 2022.

Let the contempt application being CPAN 713 of 2022 appear on 16th December, 2022.

(Hiranmay Bhattacharyya,J.)

(Soumen Sen, J.)

