

13th May, 2025
(D/L No.49)
Ct. No.4
(SKB)

W.P.C.T. 217 of 2023

Purna Chandra Roy and others
Versus
Union of India and others

Mr. Goutam Banerjee,
Mr. Alauddin Mondal,
Mr. Afrin Nahar

... for the petitioner.

Mr. Sanjit Ghosh,
Ms. Anamika Pandey.
Ms. Sneha Singh

... for the Union of India.

1. The petitioner before this court is assailing the order passed by the Central Administrative Tribunal ("Tribunal" for short) in a contempt proceeding wherein the contempt proceedings have been dropped by the Tribunal. The order has been passed on the petitioners' contempt petition bearing C.P. No.25 of 2022. The impugned order is dated 9th May, 2023.
2. The fact that the order of the Tribunal passed in the Original Application is in respect of the petitioner no.1 only is not in dispute. The Tribunal had specifically, disallowed the joining of the remaining petitioners as applicants before the Tribunal. In paragraph 2 of the order passed in

O.A. No.374 of 2021 on 20.04.2021 it directed as follows:

“The applicants are distinct landlosers aspiring for individual appointments and hence cannot be said to be sharing a common cause of action. Hence, this O.A. will proceed only with reference to applicant No.1 with liberty to other applicants to act as per law.”

3. The relevant directions are contained in paragraph 5 of the same order dated 20.04.2021, which reads as follows:

“Accordingly, the applicant is permitted to withdraw this O.A. with liberty to prefer a comprehensive representation citing rules and judicial decisions in support within 4 weeks from the date of receipt of a copy of this order. Once received, the addressee or any other competent respondent authority shall decide on the said representation in accordance with law, examine the applicability of the judicial decisions so cited, and, thereafter, convey their decision in the form of a reasoned and speaking order to the applicant within a further period of 16 weeks thereafter.”

4. The applicants/writ petitioners were complaining non-compliance of the direction of the Tribunal which has not been entertained by the Tribunal in the contempt proceedings.
5. The learned counsel for the railways draws attention of this court towards the purported representation filed by the petitioners in compliance of the above quoted directions of the

Tribunal. The same has been filed on 12.06.2021 nearly two months after the order passed by the Tribunal. The representation of the writ petitioners reads as follows:

“We, the applicants have applied for appointment under Land Loser Scheme where the lands have been given by us and the same has been acquired by the authority concern, i.e. special Land Acquisition Officer/Hooghly. But till date, respondent authority has not considered appointment in favour of us. The land has been acquired by the respondent authority for the construction of Tarakeswar – Bishnupur Broad Gauge Railway Line. According to R.B. Circular No. 99/2010, if the land has been given by the applicants, one job should be considered for the family, but respondent authority has not given appointment according to R.B. circular without any reason. So, we are entitled for appointment according to R.B. Circular No. 99/2010. According to High Court judgment 74 of 2016 our prayer for appointment under Land Loser Scheme and benefit of the judgment may be extended.”

6. Upon going through the representation, the learned counsel for the railways would submit that the petitioners themselves have not acted in terms of the order passed by the Tribunal in original proceedings. Having failed to act diligently in terms of the directions passed therein for availing the benefits of the order, it is not open to the petitioners to allege any non-compliance with the order.

7. The Tribunal in unambiguous terms accorded liberty to the petitioner no.1 to prefer a comprehensive representation citing rules and judicial decisions within four weeks. The representation, on the other hand, does not even contain details of the lands, if at all acquired. The representation filed by the writ petitioner no.1 is incapable of any consideration as the same is lacking any details whatsoever.
8. The petitioner no.1 has failed to comply within the stipulated timeframe for making representation (four weeks). It is, thus, submitted that there was no occasion for the respondents to pass any order on such a representation.
9. At this juncture, the learned counsel for the petitioners submits that the petitioners be given opportunity afresh to agitate their claims by a comprehensive representation.
10. Having regard to the submissions of the learned counsel for the railways and upon going through the order dated 20.04.2021 passed in O.A. No. 374 of 2021 and the belated representation, we find that the representation is lacking in any details whatsoever, which may be capable of being considered by the authority for the purposes of appointment under the land

looser scheme. The order of the Tribunal, non-compliance of which is alleged contained direction upon the respondent to consider the representation. As per the order of the Tribunal such consideration is contingent upon submission of a representation within 4 weeks. The order of the Tribunal further casts an obligation on the petitioner to give a comprehensive representation. From bare reading of the representation, quoted above it is apparent that by no stretch of imagination it can be said to be a comprehensive representation. The representation is lacking in basic details required for consideration of the petitioner's claim by the authorities, such as the details of the land allegedly acquired by the respondents, including its location, its bounds, its area and its identification with reference to the revenue records. While the petitioners in the representation claimed to be land looser they do not furnish even the details of the land/s allegedly lost by them. For filing a shoddy representation without giving any details whatsoever the petitioners have taken nearly 2 months and have not filed the representation within the time stipulated by the Tribunal in its order passed in the O.A. proceedings.

11. At the cost of the repetition, we observe that the belated representation of the petitioners was lacking any details whatsoever and left a lot to be desired in terms of a comprehensive representation contemplated in the order passed by the O.A. Even if this Court were to insist on passing of an order on the representation which itself was not compliant with the order passed in the O.A., the same would be a mere empty formality as it would serve no purpose whatsoever. We thus find no infirmity in the Tribunal's order rejecting the contempt application and dropping the contempt proceedings. We do not find any scope or reason to interfere with the order dated 09.05.2023 passed by the Tribunal by invoking extraordinary and discretionary writ jurisdiction under Article 226 of the Constitution of India.

12. Insofar as prayer made on behalf of the petitioner for permission to agitate their claims afresh we observe the dismissal of the contempt application by the Tribunal does not prevent the petitioners from taking recourse to remedies in accordance with law.

13. The writ petitioner is, thus, dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)