

02.04.2025
(D/L-9)
Ct. No.4
(B.K.N.)

W.P.C.T. 220 of 2023

**Union of India & Ors.
Vs.
Dinonath Mondal & Ors.**

Ms. Chandreyi Alam,
Ms. Runu Mukherjee
...for the Union of India & Ors.

Mr. Kazi Saifullah,
Mr. Goutam Banerjee,
Mr. Alauddin Mandal
...for the Respondent Nos. 21, 22, 24
to 27, 29, 31, 32, 38

Mr. Bipul Kr. Mandal,
Ms. Tuli Sinha
...for the Respondent No. 5

Mr. Asim Dutta,
Mr. Kaji Hafizullah
...for the Respondent Nos. 6, 8 to 12 & 15

Mr. Bimalendu Das,
Ms. Shomrita Das
...for the Respondent No. 37

1. Affidavit in opposition being filed on behalf of the respondent no. 37 and reply thereto are kept on record.
1. Heard learned counsel for the Union of India as well as the learned counsel for the respondents.
2. The respondents claimed employment under the land looser policy of the petitioner railways. The employment was being claimed under a scheme bearing no. RBE No. 99/2010. When the employment was not forthcoming the present respondents

approached the Central Administrative Tribunal, Kolkata Bench by filing an Original Application bearing O.A. No. 319 of 2021.

3. The present petitioners who were respondents before the Tribunal took a stand that the policy bearing RBE No. 99/2010 under which the applicants were claiming employment was subsequently modified by another RBE bearing number RBE No. 193/2019 issued on 11th November, 2019. There was thus a substantial shift in the policy and under the new policy the applicants' claim is not tenable.
4. We find that the Tribunal proceeded to consider the claim relying upon decisions passed by this Court in W.P.C.T. No. 74 of 2016, W.P.C.T. No. 28 of 2021 and W.P.C.T. No. 75 of 2020 and, therefore, considered it appropriate to direct the respondents to consider the petitioners' claim under the RBE No. 99/2010, as their right to consideration emanates from the said RBE.
5. It is submitted by the learned counsel for the petitioners that the claim of the applicants are being considered. The learned counsel submits that even under the earlier RBE No. 99/2010 the applicants are required to satisfy certain parameters which the authorities are required to examine. The Tribunal, however, has granted only sixteen weeks time for the same though requisite information and details in this

regard is required to be gathered from some other authorities.

6. It is the submission of the learned counsel for the Union of India that they are in the process of consideration but the time limit granted by the Tribunal is too short.
7. It is further submitted that contempt proceedings are also being taken out by the applicant/respondents, further compounding the situation.
8. Insofar as a bonafide consideration of the petitioners' claim under RBE No. 99/2010 is concerned, the learned counsel for the petitioners submits that it is being done, but there is some delay on account of unavoidable circumstances.
9. Such plea of delay in our opinion does not lay the foundation for approaching this Court by filing writ petition. If the authorities are taking steps bonafide to the comply with the directions, as per submission of the petitioners' counsel, and if they are able to show that they need more time, it was, and is open to the authorities to seek extension of time before the Tribunal.
10. Reserving such liberty of the petitioners, we dispose of the writ petition.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)