

GAHC010063772023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1682/2023

MISS JAMUNA PATAR
D/O SRI BHOG SING PATAR, R/O VILL-BHERAKUCHI, P.O.-DHOPGURI, P.S.-
KHETRI, DIST-KAMRUP (M), ASSAM

VERSUS

THE UNION OF INDIA AND 4 ORS.
REPRESENTED BY THE CHAIRMAN OF THE RAILWAY BOARD, RAIL
BHAWAN, RAFI MARG, NEW DELHI, PIN-110001

2:THE GENERAL MANAGER OF THE NORTH EAST FRONTIER RAILWAY
MALIGAON
ASSAM
PIN-781011

3:THE PRINCIPAL CHIEF PERSONNEL OFFICER
PERSONNEL BRANCH OF THE NORTH EAST FRONTIER RAILWAY
MALIGAON
GUWAHATI
PIN-781011

4:THE CHIEF PERSONNEL OFFICER/ ADMIN
PERSONNEL BRANCH OF THE NORTH EAST FRONTIER RAILWAY
MALIGAON
GUWAHATI
PIN-781011

5:THE CHIEF ENGINEER/CON/II
NORTH EAST FRONTIER RAILWAY
MALIGAON
GUWAHATI
PIN-78101

Advocate for the Petitioner : MR I HAQUE

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 27.06.2023

1. This is an application under Article 226 of the Constitution of India challenging the order dated 03.03.2023 passed by the Central Administrative Tribunal, Guwahati Bench in Original Application No.040/00120/2021 whereby the said application was rejected.

2. The case of the Writ Petitioner herein is that her father was owner of a plot of land measuring 2 Bighas 8 Lechas which was acquired for remodeling of Barahu Railway Station as per the proposal made by the N.F. Railway, Maligaon vide letter dated 05.07.2017. Subsequent thereto, the State Government approved the same vide the letter dated 04.04.2019. It was the further case of the Petitioner that the Deputy Commissioner, Kamrup (M) requisitioned/acquisitioned the schedule land vide order dated 27.06.2019 and the Sonapur Revenue Circle Officer took possession over the land on the 2nd week of July, 2019 and handed over to the N.F. Railway on 16.09.2019. In view of the land acquisition by the N.F. Railway, the Petitioner claimed that the Petitioner's family became a land loser. On the basis of a notification dated 16.07.2010, whereby it was the policy of the Railway Authorities to provide employment to the land loser on account of acquisition of land for railway project, the Petitioner submitted her representation on 24.06.2020 before the

Railway Authority with a request to provide her a job under Group-C post as she fulfilled the requisite criteria. However, as nothing was communicated to the Writ Petitioner, she filed an OA No.040/00275/2020 before the Central Administrative Tribunal, Guwahati Bench. The learned Tribunal vide order dated 04.01.2021 directed the Respondents to consider the pending representation of the Petitioner.

3. The Respondent Authorities vide an order dated 23.03.2021 rejected the claim of the Petitioner. Being aggrieved, the Petitioner filed an application before the Central Administrative Tribunal, Guwahati Bench which was registered and numbered as Original Application No.040/00120/2021. The said application was rejected by the learned Tribunal holding inter alia that the notification dated 16.07.2010 only stipulated that the Railway may call and then consider the application and as in the present case, no such notification was issued asking for filling up of application for employment, the Writ Petitioner cannot claim for a direction upon the Respondents to appoint the Writ Petitioner in any Group-C post. Accordingly, the learned Tribunal rejected the application finding no infirmity in the Speaking Order dated 23.03.2021 by which the Petitioner's application was rejected by the Respondent Authorities. The Petitioner being aggrieved therefore has approached this Court by filing the instant writ petition.

4. The Respondent Nos. 1 to 5 had filed an affidavit-in-opposition. In the said affidavit-in-opposition, it was mentioned that the notification under Section 6(1) of the Assam Land (Requisition and Acquisition) Act, 1964 was issued vide Government notification dated 11.03.2020 which was published in the Assam Gazette on 21.05.2020. It was further mentioned that the policy dated 16.07.2010 of offering appointment for land losers was withdrawn w.e.f. 11.11.2019 and as such, at the time when the notification dated 16.07.2010

was withdrawn, there was no acquisition inasmuch as the land in question was notified for acquisition only on 11.03.2020.

5. We have heard the learned counsels for the parties. From a perusal of the Section 6(2) of the Assam Land (Requisition and Acquisition) Act, 1964, it is clear that when a notice is published in terms with Sub-Section (1) of Section 6 in the Official Gazette, the requisitioned land and premises shall, on and from the beginning of the day on which the notice is so published, vest absolutely in the State Government free from all encumbrances and the period of requisition of such land shall end. Therefore, as the notification of Acquisition was published in the Official Gazette on 21.05.2020, the land therefore stood vested in the State Government free from all encumbrances. On the other hand, the notification dated 16.07.2010 on the basis of which the Petitioner claimed a right to be considered for employment on the ground of being a land loser stood withdrawn w.e.f. 11.11.2019. Under such circumstances, as on the date on which the land was acquired, there was no policy of the Railway Authorities to consider application for grant of employment to land loser, we are of the opinion that the instant writ petition is devoid of any merits for which, the instant writ petition stands dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant