

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11937 of 2012

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1. Ram Kumar Singh S/O Late Damodar Singh, Resident of Village- Fulmalik, Police Sahelipur, Kamal, District- Begusarai.
 2. Dasrath Yadav S/O Late Nand Kishre Ydav, Residence of Village- Sabadapur, Police Station- Sahebpur Kamal, District- Begusarai.
 3. Satya Narayan Prasad Yadav S/O Late Ragho Prasad Yadav, Residence of Village- Malhipur, Police Station- Sahebpur Kamal, District- Begusarai.
 4. Arbind Kumar Singh S/O Ramdeo Mahto, Residence of Village- Shaligrami, Police Station- Sahebpur Kamal, District- Begusarai.
 5. Paras Nath Singh Perbhakar S/O Achutanad Singh, Resience of Village- Malhipur, Police Station- Sahebpur Kamal District- Begusarai.
 6. Rupesh Kumar Singh S/O Late Shashi Bhushan Singh, Residence of Village- Malhipur, Police Station- Sahebpur Kamal, District- Begusarai.
 7. Harideo Sah S/O Late Ramdhani Sah, Residence Of Village- Malhipur, Police Station- Sahebpur Kamal, District- Begusarai.
 8. Jawahar Prasad Yadav S/O Late Dhanik Lal Yadav, Residence of Village- Kharhat, Police Station- Sahebpur Kamal, District- Begusarai.
 9. Jitendra Prasad Yadav S/O Late Ragho Prasad Yadav, Residence of Village- Malhipur, Police Station- Sahebpur Kamal, District- Begusarai.
 10. Jitendra Prasad Yadav S/O Ramdeo Mahto, Residence of Village- Malhipur, Police Station- Sahebpur Kamal, District- Begusarai.

.... Petitioner/s

Versus

1. The Union of India through General Manager (Personal) East Central Railway , Hazipur.
2. General Manager East Central Railway, Hajipur.
3. General Manager, (Personnel), East Central Railway Hajipur.
4. Director, Railway Board Rail Bhawan, Government of India, New Delhi.
5. Deputy Chief Engineer, Construction, East Central Railway, Ganga, Bridge, Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nirmal Kumar
Mr. Lokesh

For the Respondent/s : Mr. Naresh Dikshit

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 01-12-2015 Heard the parties.

The grievance of the petitioners in the present writ petition filed under Article 226 of the Constitution of India is that their lands have been acquired by the State of Bihar and its

functionaries under the provisions of The Land Acquisition Act, 1894 for the purposes of certain railway projects, and though they have been given adequate compensation for such acquisition of their lands, but their claims for appointment, being the land losers, are not being considered and decided despite representations filed to that effect.

Learned counsel appearing on behalf of the petitioners submits that as per the letter/ circular dated 27.12.2006 issued by the Railway Board, as contained in Annexure-2 to the writ petition, the petitioners or their wards/ family members are entitled to be appointed on compassionate ground, being the land losers. He further submitted that in identical circumstances, some other persons came to this Court and their cases were directed to be considered by the respondents. Reliance has been placed on the order dated 26.03.2012 passed in CWJC No. 13546 of 2009 (Annexure-18 to the reply to counter-affidavit filed on behalf of the petitioners). It is further contended that neither valid grievances of the petitioners are being redressed by the competent authority nor the representations filed on their behalf are being disposed of. Therefore, it is prayed that appropriate direction may be issued to the respondents for consideration of their valid claims.

The matter has been contested by the respondents by filing a detailed counter-affidavit on behalf of the respondent no. 1 to 5. Learned counsel appearing on behalf of the respondents submits that the letter/circular, as contained in Annexure-2 to the writ petition, over which reliance has been placed by the learned counsel appearing on behalf of the petitioners, shall not be applicable in the case of the petitioners. According to him, that circular is limited with respect to the Saran district in the State of



Bihar and the petitioners do not belong to the saran district. By placing reliance on the circular dated 16.07.2010, as contained in Annexure-A, as also the letter dated 06.06.2011, as contained in Annexure-B to the aforesaid counter-affidavit filed on behalf of the respondent no. 1 to 5, it is contended that if the lands have been acquired for the railways prior to 16.07.2010, then in that case the lands losers' case for compassionate appointment shall not be considered and shall generally be rejected. However, the learned counsel appearing on behalf of the respondents has not been able to show that the representations filed on behalf of the petitioners have finally been disposed of.

In above view of the matter, this Court is of the opinion that instead of deciding the claims of the petitioners in the present proceeding, as all the upto date relevant materials have not been brought on record by the parties, interest of justice shall be subserved if the petitioners are granted liberty to file fresh separate representations with all supporting documents before the respondent no. 2, raising all the pleas, which have been raised in the present proceeding. It is ordered, accordingly.

If such separate representations are filed on behalf of the petitioners with a certified copy of the present order within a period of one month from today, then the respondent no. 2 either himself or any other competent authority of the railways shall be obliged to consider and decide their claims by a reasoned and speaking order after taking into consideration the pleas raised on behalf of the petitioners as also the policy decision of the railways at an early date preferably within a period of three months from the date of filing of such representations by the petitioners.

If on consideration of entire materials the competent

authority of the railways comes to the conclusion that the claims raised on behalf of the petitioners are admissible to them, then consequential order shall also be issued for grant of such admissible claims without any unnecessary delay.

In view of the nature of disputes raised on behalf of the parties, this Court has left the matter to be decided by the competent authority strictly in accordance with law by looking into all the relevant materials produced by the parties.

The writ petition stands disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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