

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24808 of 2013

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1. Rabindra Kumar Singh Son Of Late Bhuwaneshwar Singh Resident Of Village
And Post Office - Belwar, Police Station - Vaishali, District - Vaishali (Bihar)

.... Petitioner

Versus

1. The Union of India through Secretary, Department Of Railway, Railway Bhawan, New Delhi
2. The Secretary, Department Of Railway, Rail Bhawan, New Delhi
3. The Chief Engineer (Construction), Eastern Central Railway, Danapur Division, Danapur, District - Patna
4. The Deputy Chief Engineer (Construction) , Eastern Central Railway, Danapur Division, District - Patna
5. The General Manager, E.C. Railway , Hazipur, District - Vaishali (Bihar)
6. The Chief Manager, E.C. Railway, Hazipur, District - Vaishali (Bihar)
7. The Personal Officer, Eastern Railway, Kolkata
8. The District Magistrate, District - Patna
9. The Additional District Magistrate (Land Acquisition Department), District - Patna
10. The District Land Acquisition Officer, District - Patna
11. The Sub-Divisional Officer, Patna Sadar, District - Patna
12. The Circle Officer, Phulwarisharif, District - Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Ram Naresh Sharma
For the Respondent ECR : Mr. Ashok Kumar Keshari

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 07-09-2015

Heard the counsel for the petitioner and Mr. Ashok
Kumar Keshari for the respondent -ECR.

Pleadings have been exchanged between the parties. No
counter affidavit has been filed on behalf of the State respondent.

The writ application prays for a direction upon the
respondent –Eastern Central Railway (for short ‘ECR’) commanding

them to consider his case for granting one job in appropriate category under the ECR on account of the policy decision/guidelines formulated by the ECR vide Annexure-A to the counter affidavit filed on behalf of the respondents.

It has been submitted that 16 dhurs of residential vacant land was purchased by the petitioner in village Rukanpura (Phulwarisharif) in the district of Patna which is equivalent to 0.02497 decimals in the year 1996 by a registered sale deed and got his name mutated. After such purchase the petitioner claims to have constructed a house thereon. The State government acquired the entire land of the petitioner including the constructions made thereon for the use of respondent-ECR. In the light of the guidelines issued by the ECR he is entitled to get compensation and a job in the Railways. The respondents have not considered his claim for appointment leading to the filing of the writ petition.

Mr. Keshri, counsel for the respondent-ECR has drawn attention of the Court to the guidelines (Annexure-A to the counter affidavit) to contend that at least 50% of the entire land possessed by a family or 0.2 acres whichever is less if acquired would entitle one in such family to a job in appropriate category. The petitioner has been paid fair compensation for the acquisition of land and constructions thereon, if any. The guidelines has to be strictly

construed. He also submits that the land which was acquired by the State government for ECR did not contain the building structure on the relevant time.

Per contra, the counsel for the petitioner has contended that from perusal of the averments made in the writ petition as well as the counter affidavit it would appear that entire area of 16 dhurs purchased by the petitioner in the year 1996 has been acquired along with the constructions made thereon. The petitioner is, therefore, entitled to a consideration of his claim for giving a job in the Railways apart from the compensation the respondent ECR has paid

The claim of the petitioner, it appears, has not till date been considered by the respondent ECR. Whether the petitioner in the light of the guidelines issued by the respondent ECR would be entitled to a job in the ECR is a consideration which requires to be made by the competent authority of the ECR in the light of the documents which shall be submitted by the petitioner. The respondent ECR may also require any inquiry to be made in this regard. No such consideration till date has been made. Without opining any view on the rival claims of the parties, in my view, the writ application deserves to be disposed of by directing the Chief Manager, ECR (respondent no.6) to consider the claim of the petitioner for grant of a job in the Railways in the light of the

guidelines issued by the ECR. If any enquiry with regard to the claim of the petitioner is required to be made he shall cause such inquiry made and take a final decision on the claim of the petitioner and pass appropriate order in accordance with law as quickly as possible preferably within 03 months from the date of receipt/production of a copy of this order. In case of refusal, the said respondent shall pass a reasoned order.

(Kishore Kumar Mandal, J)

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