

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1787 of 2013

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1. Kamod Kr.Singh S/O Late Satyanarain Singh Of Village Ganga Jal Sultanpur, P.O. Govind Chak, District - Saran
 2. Ashok Kr. Singh S/O Parasnath Singh Of Village Gangajal High School P.O. Bharpura, District Saran
 3. Banke Singh S/O Singashan Singh Of Village Kharika- District Saran

.... Petitioner/s

Versus

1. The Union Of India Through The Chairman, Railway Board, Ministry Of Railways, New Delhi
2. The Additional Member (Staff), Railway Board, Ministry Of Railways, Govt. Of India, New Delhi
3. The General Manager, East Central Railway, Hajipur
4. The Divisional Railway Manager (P), Sonapur, Saran
5. The Chief Administrative Officer (Con), Railway East Central Railway, Mahendrughat, Patna
6. The State Of Bihar Through The Secretary, Revenue And Land Reforms , Government Of Bihar, Patna
7. The District Magistrate/Collector, Saran, Chapra
8. The District Land Acquisition Officer, Saran, Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. PRATIK KUMAR SINHA

For the Respondent/s : Mr. SANDEEP SINGH, AC to GP-9

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 14-03-2016

Heard the counsel for the petitioners and the State.

No one has appeared on behalf of the respondent- Railways, although a counter affidavit has been filed on behalf of the respondent nos. 1 to 5.

The three petitioners pray for a direction upon the respondent Railways to consider their claim for granting one employment in the Railways as by virtue of acquisition of their land for the Railways, they have become homeless/landless which entitle

them a job as per the policy decision of the Railways contained in Annexure-2. In the counter affidavit of the Railways, the following have been stated in paragraph 6 and 7:

“That without prejudice to the generality of the present writ petition, the answering respondent no. 1 to 5 wants to draw kind attention for consideration before this Hon’ble court on fact is that as per rules of the Railways, only one person of the family of landloser can be provided job. Shri Shantosh Kumar Singh has been given appointment with the consent of Shri Kamod Kumar Singh (Petitioner No. 1) as per list provided by Construction Organisation. One Shri Om Prakash Singh, son of petitioner no. 3 has been given appointment with the consent of Shri Banke Singh (Petitioner No. 3) as per list provided by SEE Division. As far as the case of Ashok Kumar Singh (petitioner no.2) is concerned documents of land acquired submitted by the petitioner no. 2 is under scrutiny and the same has been put-up to the competent authority to consider offering job”.

“That is would not be out of place to state here that in the year 2007 petitioner no. 1 had already given consent by an affidavit that if the railway administration provides a job in the Railway to Mr. Santosh Kumar Singh, son of Sri Balmukund Singh then, in that case he had no objection. Pursuant to the aforesaid affidavit competent authority of the Railway Administration vide its office order no. 1001/2007 dated 17.12.2007 issued a appointment letter in favour of Santosh Kumar Singh on the post of trackman (Group-D) in the scale of Rs. 2610-3540/- alongwith admissible allowances under the permanent way Inspector, Sonpur. Accordingly, the said Santosh Kumar Singh, son of Sri Balmukund Singh as consented by petitioner no. 1 joined on the said post.

Similarly, petitioner no. 3 had also given consent by an affidavit that if the railway administration provides a job in the Railway to Mr. Om Prakash Singh, son of Sri Banke Singh (petitioner no. 3) then, in that case he had no objection. Pursuant to

the aforesaid affidavit competent authority of the Railway Administration vide its office order no. 85/2007 dated 20.07.2007 issued a appointment letter in favour of Om Prakash Singh on the post of Gateman (fatakman) (Group-D post) Dalsinghsarai in the pay scale of Rs. 2550-3200/- alongwith admissible allowances. Accordingly, the said Om Prakash Singh, son of petitioner no. 3 joined on the said post.

But, in the instant writ petition, those facts have already been suppressed by the petitioner no. 1 & 3. In other word, Shri Santhos Kumar Singh, son of Sri Bal Mukund Singh as consented by petitioner no. 1 and Om Prakash Singh, son of petitioner no. 3 who had given the consent for the said job in the year 2007 have already been joined in Group-D post pursuant to Railway Board's policy one family one job in lieu of acquisition of their land for the project of Rail-cum-Road Ganga Bridge, Digha-Sonpur. This fact has been suppressed by the petitioner no. 1 and 3 in the instant writ petition and claiming appointment themselves."

A reply has been filed by the petitioners stating as under in paragraph 4:

"That in reply to the counter-affidavit it would be necessary to state in order to appreciate the case of the petitioners that the petitioner no. 1, Kamod Kumar Singh, in paragraph no. 6 to the writ petition in his place has sought appointment of his daughter, Rajni Kumari, the one and only child of his father, and graduated with Hons. In Arts in 2000 itself vide Annexure-1/1. Similarly the petitioner no. 2, Ashok Kumar Singh sought appointment in the railway in his place of his son, namely Khabwastik Gaurav, who is a graduate Hons. In Arts (Annexure-1/3) too as is stated in paragraph 6 to the writ petition and is still jobless and his case is intentionally delayed for extraneous consideration by the railway respondents herein when in similar circumstances as was stated earlier hereinabove as also stated in the writ petition several persons were already provided jobs even some of them are not having requisite criteriae in terms of Annexures 2 and 2/1. Absolutely vague

and indefinite statements were made by the railway authorities-respondents in their counter-affidavit at paragraph nos. 10, 12 and 16 served on 12/1/2015 that the case of the petitioner no. 2 is being considered and job would be provided soon. Nothing has been seen so far in relation to his case (petitioner no. 2) and accordingly wrong and irresponsible statements were made in their counter-affidavit that, in the facts of the case, warrants interference in their conduct giving such irresponsible statements on an affidavit.”

The counsel for the petitioners has submitted that separate awards were prepared in the names of the petitioners and as such they are entitled to a job in the Railways besides from the compensation paid to him/them.

In my view, the ends of justice would be met if the petitioners are granted liberty to raise a grievance in this regard before the General Manager of the East Central Railway, Hajipur (respondent no. 3), who shall examine the same and take appropriate decision and/or pass appropriate orders in accordance with law, within three months from the date of filing such application/representation before him, along with a copy of the present order. In case, there is refusal, the Authority will pass a reasoned order and communicate to the petitioners.

(Kishore Kumar Mandal, J)

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