

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 20735 of 2016

DATE OF DECISION : 03.10.2016

Jaimal Singh and another

.... PETITIONERS

Versus

Union of India and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL

HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Shangara Singh, Advocate,
for the petitioners.

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RAMENDRA JAIN, J.

1. The petitioners have filed this petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari to quash the order dated 04.09.2015 (Annexure P-1) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (respondent No.3), dismissing two Original Applications filed by them separately seeking appointment in the Railways on account of land belonging to their family having been acquired for setting up DMW project in Patiala.

2. Since the claim made by the petitioners as well as grounds for the same are similar, therefore, the facts of the case of petitioner No.1 Jaimal Singh are being discussed here.

3. The land owned by father of the petitioner was acquired for setting up the Diesel Component Works, now known as Diesel Loco Modernization Works, Patiala (DMW). The Land Acquisition Review

Committee of the respondents in its recommendations made the Government responsible to rehabilitate the evicted families as a result of acquisition of land for the aforesaid project. Accordingly, the Ministry of Railways framed a policy to offer employment to persons displaced as a result of acquisition of land. The guidelines so framed were released through policy dated 01.01.1983. The respondents kept extending the benefits from time to time and the last cut off date was upto 31.03.1998. Father of the petitioner applied for the job within the stipulated cut off date i.e. 31.03.1998. Since the process of recruitment lingered on for an unreasonable period, therefore, father of the petitioner became overage. Resultantly, he requested for giving employment to the petitioner, being his son, but to no avail. Even the petitioner got served legal notices in this regard. In response to the said legal notice, vide order dated 31.10.2014, claim of the petitioner was rejected on the ground that the land of his father was not acquired.

4. Aggrieved by the said order dated 31.10.2014, the petitioner filed OA before the Tribunal, which has been dismissed vide the impugned order dated 04.09.2015, while observing that land of Sh. Phulla Singh, grand-father of the petitioner, was acquired for DMW and compensation for the same was received by his legal heirs, including his son Dalip Singh (father of the petitioner). It was found that there was nothing on record to show that father of the petitioner ever applied for a job on account of the land of his father Sh. Phulla Singh having been acquired for DMW Patiala. The cause of action regarding claim for job last arose in the year 1998, but in October, 2014, i.e. 16 years after the cause of action, the petitioner got served legal notice to the respondent Department requesting it to give him

appointment.

5. Learned counsel for the petitioners argued that in view of the policy of the respondents that one person from the displaced family was to be given appointment against land looser quota, the petitioners are entitled to get appointment, as lands of their families were acquired for DMW Patiala.

6. It is an admitted fact that the cut off date to apply for a job under the policy of the respondents to offer employment to persons displaced as a result of acquisition of land for DMW Patiala was 31.03.1998. The petitioners have failed to produce any document to show that their father applied for the job under the said policy. Even the legal notice was got served by them in October, 2014, i.e. after more than 16 years of the said cut off date. They have miserably failed to explain this long delay in raising the claim by serving legal notice upon the respondent Department. Thus, the claim made by the petitioners is hopelessly time barred.

7. In view of the above, we are of the opinion that vide the impugned order, the learned Tribunal has rightly dismissed the OAs of the petitioners.

8. Dismissed.

(RAMENDRA JAIN)
JUDGE

October 03, 2016
ndj

(AJAY KUMAR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes