

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4411 of 2017

1. Ajay Jha Son of Anirudh Jha Resident of Mohalla Bandh Para (Pakur Road), Dumka, P.S. Dumka in the District of Dumka, Jharkhand.

.... Petitioner/s

Versus

- 1. The Union of India, through the Secretary, Department of Railway, Railway Bhawan, New Delhi.
- 2. The Secretary, Department of Railway, Railway Bhawan, New Delhi.
- 3. The General Manager, Eastern Railway - 17 Netaji Subhash Road HAVE Street Kolkata, West Bengal.
- 4. The General Railway, East Central Railway, Hajipur.
- 5. The Chief Administrative Officer (Construction), Eastern Railway, 17 - Netaji Subhash Road, HAVE Street, Calcutta (West Bengal).
- 6. The Deputy General Manager, Eastern Railway, 17 - Netaji Subhash Road, HAVE Street, Calcutta (West Bengal).
- 7. The Divisional Railway Manager, Eastern Railway, Maldah (West Bengal).
- 8. The Deputy Chief Engineer (Construction) Eastern Railway, Bhagalpur.
- 9. The State of Bihar.
- 10. The District Magistrate, Banka.
- 11. The District Land Acquisition Officer, Banka.

.... Respondent/s

Appearance:

For the Petitioner/s : Mr. Chittaranjan Sinha, Sr. Advocate
For the State : AC to AAG 12
For the Railway: Mr. Amresh Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

0428.06.2017

1. Supplementary affidavit is filed on behalf of the petitioner.

2. Heard learned counsels for the parties.

3. The grievance of the petitioner is that his land as well as lands of several other persons were acquired by the railway in the year 1999 on condition that one of the members of the concerned family shall get employment and thereafter affected persons approached the concerned officials for getting employment but their prayer was



rejected and after that one Pradeep Kumar Pandey & ors filed C.W.J.C. no. 10431 of 2003 which was disposed of by a Coordinate bench of this court vide order dated 04.01.2007 directing the General Manager, Eastern Railway, Kolkata to decide the matter in accordance with law but the competent authority of railway rejected the claim of the aforesaid persons, who, again, filed C.W.J.C. no. 7047 of 2008 which was disposed of vide order dated 04.09.2012 by a Coordinate bench of this court. However, the order of learned single Judge was challenged in LPA no. 1850 of 2012 before a Division Bench and Division Bench of this court vide order dated 06.12.2012 directed the Railway Board/concerned respondent to provide employment to one member of each family of displaced persons whose lands had been acquired in terms of scheme, 1989. The aforesaid order of Division Bench was challenged in SLP (Civil) no. 11970 of 2013 before the Apex court of the country but the aforesaid SLP was dismissed and order of the Division Bench was confirmed.

4. Learned counsel appearing for the petitioner submits that this writ petition may be disposed of giving direction to the concerned official to take appropriate steps on the representation, if any, filed by the petitioner within the stipulated period of time.

5. Although learned counsel appearing for the Railway seeks time to take instructions but in my view, this petition may be disposed of giving liberty to the petitioner to file representation before respondent no.5(The Chief Administrative Officer{Construction} Eastern Railway, 17- Netaji Subhash Road, HAVE Street Calcutta (West Bengal) within two weeks and if the petitioner does so,



respondent no.5/concerned authority shall dispose of representation of the petitioner within four months from the date of its filing in accordance with rule, particularly, keeping in mind the scheme, 1989 as framed by the Railway Board.

6. This order shall not cause any prejudice to the concerned respondent at the time of disposing of representation of the petitioner.

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(Hemant Kumar Srivastava, J)

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