

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

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CWP-4469-2015 (O&M)
Date of decision: 27.07.2017

Rajinder Singh

....Petitioner

Versus

Union of India and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Amrindra Pratap Singh, Advocate for
Mr. Gurnam Singh, Advocate for the petitioner.

Mr. Karamjit Verma, Advocate for respondents No.1 and 2.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, petitioner has assailed order/communication dated 31.10.2014 (Annexure P12) by which petitioner's claim for appointing him to any one of the Class-IV post has been turned down. The State of Punjab acquired the petitioner's father-Sh. Roor Singh's land for the purpose of handing over the land to the Railway Department in the year 1981 for its project. The Railway Department issued a policy decision in the year 1985 relating to extending employment to one of the family member of the person whose land has been acquired by the Railway Department. Subsequently policy was modified in the year 1991 and 1997. Pursuant to the 1997 policy, respondents sought application for the job of the petitioner's brother Late Sh. Ram Singh. Accordingly, Late

Sh. Ram Singh furnished his bio data. Consequently, his name has been enlisted in the list prepared by the Revenue Department of State of Punjab. The respondents while considering late Sh. Ram Singh's application for appointment on 12.02.2014 issued offer of appointment to Ram Singh son of Roor Singh. Petitioner in receipt of the offer of appointment dated 12.02.2014 to Late Sh. Ram Singh approached respondent-authority while furnishing subsequent development between 1998 to 2014 to the extent that Late Sh. Ram Singh-brother of petitioner died on 14.03.2011. Therefore, petitioner requested to consider his name for appointment. Same has been declined on the score that petitioner has not submitted his application for appointment. It was also contended that the policy relating to issuance of offer of appointment under 1997 was in vogue till 31.03.1998. Respondents have taken decision to offer appointment to brother of the petitioner- Late Sh. Ram Singh from 1998 to 2014 and offer of appointment was issued on 12.02.2014. Therefore, insisting for non-submission of application with reference to 1997 policy read with cut of date as 31.03.1998 would be arbitrary.

At this juncture, learned counsel for the respondents pointed out that this court has no jurisdiction since the petitioner claim for appointment in the Railway Department and jurisdiction lies to the Central Administrative Tribunal, Chandigarh in terms of Section 14 of Administrative Tribunal Act, 1985. Since, petition is pending consideration from February, 2015 thereore, Registry is directed to transmit this writ petition and related papers to Central Administrative Tribunal, Chandigarh

within a period of 4 weeks from today. Central Administrative Tribunal is hereby requested to decide the petitioner's claim within reasonable period. Respondents are also hereby directed to make necessary arrangement for appearance before the Central Administrative Tribunal.

27.07.2017
pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons
Whether Reportable:

Yes/No
Yes/No