

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1929 of 2016
IN
Civil Writ Jurisdiction Case No. 25313 of 2013**

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Anil Kumar Son of Late Lalan Pandey resident of village - Harpur, P.O. Nagraon,
P.S. Charpokhri, District - Bhojpur

.... Appellant/s

Versus

1. The Union of India through the General Manager, Presently East Central Railways, Vaishali at Hajipur, Bihar
2. The General Manager, Personnel, E.C. Railway, Hajipur
3. The Chief Personnel Officer, Railways, Hajipur
4. The State of Bihar through the Collector, Bhojpur at Ara

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar alias Sharma, Adv.
For the State : Mr. P.K. Verma, AAG-3
Mr. Suman Kumar Jha, AC to AAG-3
For the Railways : Mr. Anil Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 03-01-2018

Heard learned counsel for the appellant, learned counsel
for the State and learned counsel for the Railways.

The writ application of the appellant was dismissed by the
learned Single Judge refusing to give any direction for interfering
with the speaking order dated 20.02.2013 wherein the demand made
upon the Railway authorities by the appellant for providing
employment against the acquisition of land made by the Railways was



rejected and not interfered with. The appeal, therefore, has been preferred against the said decision.

Submission of the counsel for the appellant is that the acquisition is not a matter of dispute. Varying stand has been taken by the Railway authorities. Earlier they took stand before the Writ Court that the acquisition was of the year 2000 and it is too late in the day now to consider it. When the learned Single Judge in the previous round of litigation negated that plea and directed the authorities to consider the matter afresh, a new plea, according to the counsel for the appellant, was taken that only a strip of land has been acquired and there is no provision for grant of employment to such persons whose part land has been acquired.

The learned Single Judge has considered such submissions in quite a detail and has also taken into consideration the decision of the Hon'ble Apex Court rendered in the case of **Umesh Kumar Nagpal Vs. State of Haryana and Ors. (1994) 4 SCC 138** and held that providing employment is not a matter of right but the matter of policy in land acquisition cases.

Counsel for the Railways has emphatically stated before the Court that there is no single instance of any person having been provided employment for the acquisition made for Ara-Sasaram Railway and a misleading kind of statement as an example is being



cited by the appellant by relying upon employment granted for other projects.

The appellant cannot take advantage of such examples. There is nothing to show that there is any discrimination with regard to the acquisition made in relation to this project. The stand of the Railways is categorical in this regard.

In view of the same, the appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/Devendra

AFR/NAFR	NAFR
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