

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17914 of 2016

-
1. Vikash Kumar son of Ram Naresh Singh resident of Village : Thegadih, Post Office - Kartahan, District : Vaishali.
 2. Kalikant Sah son of Late Devendra Sah resident of Village & P.O. : Ghataro, Police Station : Kartahan, District : Vaishali.
 3. Vikas Kumar S/o Basant Singh Resident of village + P.O. - Ghataro, P.S. - Kartahan, Block - Lalganj, District - Vaishali.
 4. Md. Naushad Khan S/o Md. Mokhtar Alam Khan Resident of village - Salemabad, P.O. - Izara, P.S. - Hajipur Sadar, District - Vaishali.
 5. Sujit Kumar S/o Pramod Kumar Singh Resident of village - Pahetiya, P.O. - Dharahara, P.S. - Hajipur, District - Vaishali.
 6. Naveen Kumar S/o Ramesh Prasad Singh Resident of village + P.O. - Ghataro, P.S. - Kartahan, Block - Lalganj, District - Vaishali.
 7. Vijay Kumar S/o Dinanath Singh Resident of village - Sri Rampur, P.O. - Minapur Rai, P.S. - Hajipur Sadar, District - Vaishali.
 8. Sanjit Kumar S/o Siyaram Paswan Resident of village - Chandralay, P.S. - Hajipur Sadar, District - Vaishali.
 9. Niraj Kumar S/o Jainath Rai Resident of village & P.O. - Chandralay, P.S.- Hajipur Sadar, District - Vaishali.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Railway Board, Govt. of India, New Delhi.
2. The Railway Board through the Chairman, Ministry of Railway, Govt. of India, New Delhi.
3. The Secretary (Establishment) Railway Board, Ministry of Railway, Govt. of India, New Delhi.
4. The Director, (Establishment), Railway Board, Ministry of Railway, Govt. of India, New Delhi.
5. The General Manager (Personal) East Central Railway, Hajipur.
6. The Chief Personal Officer (Administration), East Central Railway, Hajipur.
7. The Divisional Railway Manager, E.C.R. Sonapur.
8. The State of Bihar through the District Magistrate Vaishali at Hajipur.
9. The State of Bihar through the District Land Acquisition Officer, Vaishali at Hajipur.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Saurabh Kumar, Adv.
For the Railway : Mr. Abhinay Raj, Adv.
For the State : Mr. Majid Mahboob Khan, AC to AAG-

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT**

Date : 02-04-2018

Heard learned Counsel for the petitioners, Railways and the respondents.

The present Writ application has been filed for a direction to the respondent authorities, the Railways to appoint the petitioners on PB-1 pay band Rs.5200-20200/- with grade pay of Rs.1800/- in the Indian Railway on the basis of Railway Board Circular No.RBE 99/2010, dated 16.07.2010, as contained in Annexure-1, as the lands of the petitioners were acquired for the purpose of construction of Railway Lines between Hajipur to Sugauli.

Learned Counsel for the petitioners, at present, confines his prayer only to the extent of disposal of the representations submitted on different dates in the year 2012-13, as stipulated in paragraph no.11 of the Writ application before respondent no.5, the General Manager(Personal)East Central Railway, Hajipur, in pursuance to the circular aforesaid, to appoint one person from each family whose land has been acquired for the purpose of Railways project. Learned Counsel for the petitioners further submits that the lands of the



petitioners were acquired by the East Central Railways for construction of Railways Lines from Hajipur to Sugauli. The acquisition is not in dispute. The petitioners claim appointment of one member of the family of each person whose lands have been acquired on the basis of the Circular of the Ministry of Railways issued by the Railway Board on 16.07.2010, as contained in Annexure-1, which stipulates that in suppression of all previous instructions on the subject, it has been decided that the Railways may invite application and consider the same for employment to PB-1 Pay Band Rs.5200-20200/- with grade pay of Rs.1800/- only from persons who have lost their lands on account of acquisition of land for the projects of Railways. The acquisition was made on 16.03.2012, but till date no decision has been taken on the application of the petitioners. It is further submitted that no other similarly situated person has been given employment.

Though a counter affidavit has been filed on behalf of the respondent-Railways stipulating therein that there was no specific offer of offering appointment to the persons whose land is acquired in this particular scheme, but there is no denial with regard to the circular dated 16.07.2010, as contained in Annexure-1 of providing employment by the Railways.



However, the counter affidavit does not stipulate that as to whether any decision has been taken by the authority of the Railways on the applications of the petitioners or not.

In view of the confined prayer of the petitioners with regard to disposal of the representations, it is expected from the respondent authorities concerned, to take a final decision on the applications of the petitioners for providing employment to them on the basis of the Railway Board Circular No.RBE 99/2010, dated 16.07.2010, as contained in Annexure-1 to the writ application, within a period of 12 weeks from the date of receipt/production of a copy of this order.

Accordingly, the Writ application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

