

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13981 of 2016

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1. Parshuram Kumar S/o Baijnath Ray
 2. Om Prakash Sah S/o Late Bhagirath Sah
 3. Amlesh Kumar S/o Harkeshwar Ray
 4. Santosh Kumar S/o Stish Chandra Prasad
 5. Mukesh Kumar S/o Sri Rama Shankar Prasad Ray
 6. Tarak Nath Sharma S/o Late Supan Thakur
 7. Rajeshwar Ray S/o Sri Hari Narayan Ray
 8. Chandarket Ray S/o Sri Vakil Ray
 9. Baby Devi W/o Amrendra Kumar
 10. Sani Kumar S/o Vijendra Kumar Ray
 11. Jay Gurudeo Sharma S/o Sri Satya Narayan Sharma
 12. Santosh Kumar S/o Krishnadeo Kumar @ Krishnadeo Ray, All are Resident of Village- Gangajal Tola, P.O. and P.S.- Sonpur, District- Saran
 13. Upendra Prasad Yadav S/o Ram Nath Ray, resident of Village-Kharika, P.O.- Kharika, P.S.- Sonpur, District- Saran

.... Petitioners

Versus

1. The Union of India through Secretary, Department of Railway, Railway Bhawan, New Delhi
2. The Secretary, Department of Railway, Railway Bhawan, New Delhi
3. The Chief Engineer (Construction), Eastern, Danapur Division, Danapur
4. The Deputy Chief Engineer (Construction), Eastern Railway, Danapur Division, Danapur
5. The Chief Manager, E.M. Railway, Hajipur (Bihar)
6. The District Magistrate, Patna
7. The District Magistrate, Saran
8. The A.D.M., Patna (Land Acquisition)
9. A.D.M., Saran (Land Acquisition)
10. The District Land Acquisition Officer, Patna
11. The District Land Acquisition Officer, Saran
12. The S.D.O., Patna Sadar, District- Patna
13. The Circle Officer, Danapur, District- Patna
14. The Circle Officer, Sonapur, District-Saran
15. The personnel Officer, Eastern Railway, Calcutta

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar Sinha
For the Respondent/s : Mr. Wasi Ahmad Khan, AC to Sc25
For the Railway : Mr. Anil Kumar Sinha with
Mr. Akash Keshav with
Mr. Yash Mathur, Advocates

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER



3 13-08-2018 Heard Mr. Dhirendra Kumar Sinha, learned counsel for the petitioners, Mr. Anil Kumar Sinha, learned counsel appearing on behalf of Indian railways and learned counsel for the State.

The petitioners have filed this writ petition praying therein for direction to the respondents to consider their applications for appointment on Group-C/Group-D posts of Indian Railway in lieu of compensation for the acquisition of their lands.

Learned counsel for the petitioners submits that the lands of the petitioners were acquired for construction of Road-cum-Railway Bridge over river Ganga near Digha-Sonepur. Many of the persons such as Amod Kumar and others filed C.W.J.C. No.8283/2005, and this court, vide order dated 27.09.2012 directed the railway authorities to consider the case of the petitioners for appointment of Group-C/Group-D posts in lieu of compensation for the acquisition of their lands. Mr. Dhirendra Kumar Sinha, learned counsel for the petitioners further submits that the case of the petitioner no.5 is different to the extent that his case was considered by the respondent authorities. The appointment letter was also issued but on account of illness of his mother, who was suffering from cancer, he could not join and filed petition for extension of period of joining but no order has been passed as yet.



Mr. Anil Kumar Sinha, learned counsel appearing on behalf of the Indian Railway submits that there is no proper application along with supportive documents before the concerned authority for consideration of the case of the petitioners for appointment in lieu of acquisition of land of the petitioners. If the petitioners file their application along with supportive documents the authorities shall consider their case also in view of the judgment passed by this court in C.W.J.C. No.8283 of 2005.

Having considered the facts aforesaid and on perusal of the order passed in C.W.J.C. No.8283 of 2005, I dispose of this writ petition with a direction to the concerned authority that if the petitioners except petitioner no.5 Mukesh Kumar file application before the competent authority along with supportive documents for appointment on Group-C/Group-D post in Indian Railway in lieu of acquisition of their lands for construction of Road-cum-Railway Bridge over river Ganga near Digha-Sonepur, the authority shall consider their case and pass order within four months from the date of filing of such representation.

So far as the case of petitioner no.5 Mukesh Kumar is concerned, his case was considered by the competent authority and appointment letter was issued for appointment but the petitioner did not join on Group-C/Group-D post on account of



illness of his mother, who consequently died of cancer but no order on his petition for extension of the period of his joining was passed.

Accordingly, I direct the authority to consider the case of petitioner no.5 Mukesh Kumar sympathetically and pass order in accordance with law within four months.

With the aforesaid direction, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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