

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9039 of 2017

Meera Kumari Gupta, W/o Sri Chaturbhuj Pd. Gupta, R/o Flat No.-302, B.N. Complex Apartment, Sector-III, Ramnagri, Ashiana, Patna at present C/44, Ashoka Tower, Machali Gali, Rajabajar, Patna.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar Ray

For the Railway : Mr. Ashok Kumar Keshri
Mr. Brajesh Kumar

For the Respondent/s : Mr.Md. Khurshid Alam- AAG12

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date : 18-12-2018

Heard both sides.

The petitioner in this writ petition seeks direction to the respondents-authorities to appoint the son of the petitioner in pursuance of a policy decision of the respondents-authorities by which the Indian Railway has decided to provide an



employment to a person of a family in lieu of acquisition of the land for construction of road over bridge Patna-Sonepur(Railway Bridge).

Learned counsel for the petitioner submits that land of the petitioner was acquired for the construction of Railway Bridge. The petitioner initially objected the acquisition of land but the Department of Indian Railway agreed to provide employment to one person of a displaced family in Railway in addition to the compensation of the homestead land. The petitioner gave application for appointment of her son before the concerned authorities and filed representation on 29.07.2013 and 30.07.2016. This Court in CWJC No.3274 of 1999(Satendra Kumar and others v. Union of India and others), Annexure-3 directed the respondent-Railway Administration for employment. On similar facts in CWJC No.12780 of 1999, this Court also directed vide order dated 01.05.2001 to consider the case for appointment. The son of the petitioner filed detailed representation on 24.08.2013 but no order has been passed. It is further submitted that respondent has adopted pick and choose method in providing appointment to the displaced persons whose lands have been acquired for the purpose of construction of Railway Track and Railway Bridge. This Court in the case of



Amod Kumar and others v. The Union of India & others in CWJC No.8283 of 2005 directed the respondents-authorities vide order dated 27.09.2012 to provide equal benefit to the writ petitioners(Annexure-6).

The respondents filed counter-affidavit. Mr. Ashok Kumar Keshri, learned senior counsel appearing on behalf of Indian Railway raised preliminary objection with regard to the maintainability of this writ petition in view of the provisions as contained in Section 14 of the Administrative Tribunal Act and submitted that Central Administrative Tribunal is vested with the powers to exercise all the jurisdiction, power and authority exercisable before that day by all court(except the Supreme Court) in relation to the recruitment, and matters concerning to any All India Service or a civil post under the Union or to a post connected with the defence or in the defence services, being in either case, a post filled by a civilian.

Mr. Keshari, learned senior counsel for the Railway submits that this writ petition is also not maintainable on the ground of limitation. The land of the petitioner was acquired in the year 2000 or before that. The petitioner based his relief on the basis of the judgment delivered in CWJC No.8283 of 2005(Annexure-6) in which the issue was that relief granted to



the similarly situated persons cannot be denied to other similarly situated persons only on the ground that the land of the petitioners of that case was situated at the southern end of river Ganga and it is held that similar treatment should be given to the persons residing at both sides of river Ganga, therefore, said judgment would not apply in the facts and circumstances of the present case. It is further submitted that by a latter judgment, the same Bench in CWJC No.10234 of 2016(Naveen Kumar Singh v. The Railway Recruitment Board and others), Annexure-B dismissed the writ petition as not maintainable in view of the provisions contained in Section 14 of the Administrative Tribunal Act. It is further submitted that land of the petitioner was acquired under the provisions of Land Acquisition Act, 1894. The petitioner received compensation in the year 2005 itself but did not file any petition before the competent authority for providing job. When this Court in other cases directed the Indian Railway to provide job in accordance with the policy decision, the petitioner filed the petition in the year 2016 and also filed this writ petition on 01.07.2017 and no plausible explanation has been given to move this Court after such a long period.

It is admitted that the land of the petitioner was



acquired for the construction of Railway Track and Digha-Sonepur Railway Bridge over river Ganga. The petitioner got compensation in the year 2005. Indian Railway has issued a notification for providing a job to a member of a family whose land has been acquired for construction of Railway Track and Railway Bridge over river Ganga in the year 2001 itself but the petitioner did not file any petition before the concerned authorities for providing her or any member of her family an employment in pursuance of the policy decision of the Indian Railway taken in the year 2001 itself. The petitioner received amount of compensation for the acquisition of land in the year 2005 but neither the petitioner nor any member of her family presented any application before the competent authority to provide her or any member of her family an employment in pursuance of the policy decision of the Indian Railway to provide job to the affected persons besides granting monetary compensation for acquisition of land. The petitioner filed this writ petition only in the year 2017, therefore, without considering the other aspects about the maintainability of this writ petition under Section 14 of the Central Administrative Tribunal Act, I find that this writ petition is fit to be dismissed on the ground of laches on the part of the petitioner as the



petitioner moved this Court after more than 12 years from the date when petitioner received compensation for acquisition of her land.

Accordingly, this writ petition is dismissed.

(Prabhat Kumar Jha, J)

Saurabh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.01.2019
Transmission Date	

