

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.774 of 2018

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Om Narayan, Son of Birbahadur Bhatt @ Sharma Jee, Resident of Village + P.O.-
Balbandh, P.S.-Char Pokhari, District-Bhojpur (Bihar).

.... Petitioner/s

Versus

1. The Union of Indian through General Manager East central railway, Hajipur, (Vaishali).
2. The General Manger, East Central Railway, Hajipur, (Vaishali).
3. The Divisional Railway Manager, East Central Railway, Hajipur (vaishali).
4. The Senior Karmik Officer (Recruitment) Hajipur, Vaishali.
5. The Executive Engineer, Construction, East Central Railway, Danapur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Prasad Gupta, Adv.
For the Railway : Mr. Ashok Keshri, Sr. Adv.
Mr. Bijay Kumar Sinha, 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: 16-01-2018

The writ application of the petitioner is required to be dismissed and no interference is warranted by the decision of the Central Administrative Tribunal dated 07.09.2017 passed in O.A. No. 223 of 2014 because there is no scheme for providing employment for such persons whose land had been acquired for Ara-Sasaram railway line.

The attention of this Court has been drawn by the counsel for the railways that a similar claimant had approached the High Court in a writ jurisdiction and having failed to obtain any relief before the



learned Single Judge, he preferred a Letters Patent Appeal which was registered as L.P.A. No. 1929 of 2016.

This Division Bench, while dealing with the matter on 03.01.2018, dismissed the L.P.A. by holding that there is no fundamental right of such a claimant to demand and beget employment by virtue of acquisition of land based on the ratio of the Apex Court decision rendered in the case of **Umesh Kumar Nagpal Vs. State of Haryana (1994) 4 SCC 138**.

The Division Bench also took note of the fact that there is not a single instance of any person having been provided employment for the acquisition made for Ara-Sasaram railway line and other examples cannot come to their rescue.

We do not intent to interfere with the order of the Tribunal for the reasons indicated above. Writ is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Devendra/Arjun

AFR/NAFR	NAFR
CAV DATE	NA
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