

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11500 of 2017

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Ravindra Nath Singh, Son of late Ram Prit Singh, Resident of Mahavir Tola
(Chulhai Chack), P.O. Shaya Nagar, P.S. Rupaspur, District- Patna (Award
No. 94, 95 Year 2006-2007).

... .. Petitioner

Versus

1. The Union of India through the Secretary, Department of Railway, Rail Bhawan, New Delhi.
2. The Secretary, Department of Railway, Rail Bhawan, New Delhi.
3. The General Manager, Eastern Central Railway, Ministry of Railway, Vaishali at Hajipur.
4. The D.R.M. East Central Railway, Ministry of Railway, Danapur, Patna.
5. The Sr. Divisional Personal Officer, East Central Railway, Danapur, Patna.
6. The Dy. Chief Engineer, Construction, East Central Railway, Digha Ghat, Patna.
7. The Chief Engineer, construction, Ganga Bridge, East Central Railway, Digha Ghat, Patna.
8. The State of Bihar through the Secretary and Commissioner revenue & Land Reforms Department, Government of Bihar, Patna.
9. The District Magistrate Cum Collector, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Anurag Saurav, Adv.
For the Respondent/s	:	Mr. R.K. Roy- GP-18 A.C. to G.P.-18
For Railways	:	Mr. Dr. Anshuman, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 03-12-2018

Heard learned counsel for the petitioner and
learned counsel for the State.

In the present case, the issue is involved with
regard to compassionate appointment of the son of the petitioner



having been claimed that his land has been acquired for the project of the railway.

A railway bridge has constructed across Ganga River, which is running from southern side to northern side. The railway board has framed the policy that the persons whose land measuring 2 acres in the northern side is acquired, they will be entitled to the compassionate appointment along with amount of compensation under the Land Acquisition Act whereas they have not framed any policy for the southern side and that led to rejection of the claim of the petitioner for compassionate appointment vide order dated 31.05.2017, there the ground has been taken that there is no such policy of granting such appointment effected by acquisition in the southern side, but the policy talks about and takes care of those who are in northern side, inasmuch as, less than 1 acre of land has been acquired and as per the policy, the minimum amount of land for acquisition is for two acres, which has not been acquired.

Learned counsel for the petitioner submits that the policy of the respondents appears to be a discriminatory in nature with regard to southern side, that cannot stand on the anvil of Article-14 of the Constitution of India. It cannot be said to be rational policy satisfying the condition of Article-14 of the



Constitution of India. He further submits that the railway has given the benefit of compassionate appointment to the ward of those persons whose land below two acres has been acquired and drawn the attention of this Court to the list of persons, which is attached with the writ petition at page no.37, having stated that the acquired land of those persons are below 2 acres and if their wards have been given the benefit of compassionate appointment, there is no justification for depriving the petitioner.

If such a large number of persons about 19 have been granted the benefit of compassionate appointment having acquired the land less than 2 acres, in such circumstance, the petitioner cannot be deprived the same benefit which has been conferred upon them.

In such view of the matter, this Court holds that the policy framed for granting compassionate appointment to northern side suffers from hostile discrimination, is completely violates Article-14 of the Constitution of India as there is no rationality in achieving the object sought for and the policy leads to hostile discrimination, cannot be approved by this Court.

So far the claim of the petitioner that the



respondents have granted the benefit of compassionate appointment to those whose lands below 2 acres, be examined by the authority concerned. If any person has been granted such benefit, in such circumstance, the petitioner cannot be deprived for the same. Hence, the authority concerned shall examine the case of the petitioner in light of the observations made herein- above and grant the benefit of compassionate appointment, if he found entitled in accordance with law, without unnecessary delay.

Accordingly, this writ petition is allowed to the aforesaid extent.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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