

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16747 of 2016

1. Mandavi Devi Wife of Late Anirudha Prasad Singh,
2. Sanjay Kumar Singh, Son of Late Anirudha Prasad Singh, Both Resident of Village- Rainia, P.O.- Jogdiha, P.S.- Banka, District- Banka.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary to the Government of India, Ministry of Railways, New Delhi.
2. The Secretary to the Government of India, Ministry of Railways, New Delhi.
3. The Chairman, Railway Board, Rail Bhawan, New Delhi.
4. The General Manager, Eastern Railway, 17, Netaji Subhash Road, Kolkata, West Bengal.
5. The Chief Administrative Officer Construction, Eastern Railway, 17, Netaji Subhash Road, Kolkata,
6. The Deputy General Manager, Eastern Railway, 17, Netaji Subhash Road, Kolkata, West Bengal.
7. The Divisional Railway Manager, Eastern Railway, Malda, West Bengal.
8. The Deputy Chief Engineer Construction, Eastern Railway, Bhagalpur.
9. The State of Bihar through its Chief Secretary, Old Secretariat Building, Patna.
10. The District Magistrate, Banka.
11. The District Land Acquisition Officer, Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary	Sanjay Kumar Singh
For the Respondent/s	:	Mr. Subhash Chandra Yadav	- GP-15
Counsel for Railways	:	Mr. Kumar Priya Ranjan	

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 26-02-2019 Heard learned counsel for the parties.

2. The petitioners are seeking direction to the respondents to appoint petitioner No.2 in the Eastern Railway in conformity with the scheme for providing employment to one



member of each family of displaced person whose land was acquired as contained in circular dated 10.11.1989. It is the case of the petitioners that the piece of land appertaining to Khata No. 106, Survey Plot No. 908, admeasuring 19 decimal under Thana No. 95 in Mauza- Rainia P.S- Banka, District-Banka, has been acquired by the respondents for construction of new Railway line between Banka to Barahat falling under the Eastern Railway. It transpires that the petitioners had approached the authorities for their appointment under the said scheme which has been turned down by the respondent and the decision has been communicated to petitioner No.1 through letter dated 22.03.2016, issued by the office of the Chief Administrative Officer/Con/E.Rly/Kolkata. The said letter dated 22.03.2016 is also being assailed.

3. Mr. Ashok Kumar Choudhary, learned counsel appearing on behalf of the petitioners has submitted that after acquisition of land in the year 2002, the petitioners had applied for employment under the scheme by making representations on 04.02.2006, 04.02.2016 and 19.03.2016. It is also the plea that similarly circumstanced persons have been granted relief by an order of this Court dated 06.12.2012, passed in LPA No. 1850 of 2012 (*Pradeep Kumar Pandey and ors. vs. the Union*



of India and others). He has further submitted that the said order of the Division Bench dated 06.12.2012 in LPA No. 1850 of 2012 is in *rem* and not in *personam*, and, therefore, the petitioners are also entitled for the same relief. The said order of this court dated 06.12.2012, has not been interfered with by the Supreme Court by order dated 11.07.2013, passed in SLP(Civil) 22795 of 2013, he contends.

4. It has, however, been argued on behalf of the Railway, on the other hand, while opposing the prayer of the petitioners, that the Eastern Railway has rightly rejected the petitioner's claim which has been communicated to petitioner No.1 through letter dated 22.03.2016 on cogent and valid grounds. He has contended that after acquisition of the land in the year 2002, the petitioners for the first time submitted their application in the year 2015. He has referred to last but one paragraph of the first page of the letter dated 22.03.2016 which reads thus:-

“As per para 2.1.3 of the Board's letter dt. 01.01.83 the dispensation is limited to recruitment within a period of two years after the acquisition of land.”

5. I have perused the materials on record and the pleadings of the parties. There is statement made in the writ



application that the petitioners had submitted representation on 04.02.2006, a copy of which has been brought on record by way of Annexure-2 to this application. Annexure-2 to this application does not show as to who had received the said representation and when. Even the said representation which the petitioners is said to have made was nearly four years after acquisition of the land. This statement of the petitioners has been specifically denied in the counter affidavit filed on behalf of the Railways and it has been stated that the first representation of the petitioners was dated 24.03.2015 which has been considered by the respondents and rejection has been communicated through letter dated 22.03.2016.

6. In my view, this writ application deserves to be dismissed on the sole ground of delay and laches. According to their own showing the land was acquired in the year 2002 under the scheme one of the family members of the land holder could be given employment. For the first time, the petitioners approached this Court fourteen years thereafter in the year 2016. The first representation which the petitioners made was in the year 2015, i.e., 13 years after the acquisition was complete. The petitioners, therefore, cannot take any advantage of the Division Bench decision dated 06.12.2012



(supra). It is also evident that the petitioners have approached this Court more than three years after passing of the order dated 06.12.2012 by this Court.

7. In view of the above, I am not inclined to interfere with the decision of the respondent.

8. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

arun/-

U			
---	--	--	--

