

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5561 of 2019

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1. Santosh Kumar S/o Ganesh Thakur Res. of Vill.- Azamgarh, Ward No.2, Tola- Gagdishpur, P.S. Dumar, District- Stamarhi.
 2. Narendra Kumar S/o Ram Vivek Mahto Res. of Vill.- Paraspatti, ward no. 9 P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

1. THE UNION OF INDIA Through the Secretary, Department of Railway (Ministry of Railway), Rail Bhawan, New Delhi.
2. The Chairman Railway Board, Rail Bhawan, New Delhi.
3. The Secretary Department of Railway, Rail Bhawan, New Delhi.
4. The General Manager East Central Railway, Zonal Office- Hajipur, Distt.- Vaishali.
5. The Divisional Railway Manager Samastipur, East Central Railway, Distt.- Samastipur.
6. The Deputy Chief Engineer (Construction), East Central Railway, Distt.- Samastipur.
7. The State of Bihar The State of Bihar
8. The District Magistrate Sitamarhi
9. The District Land Acquisition Officer Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dr. Om Prakash Om
For the Respondent/s : Mr.Md. Khurshid Alam (AAG- 12)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 29-03-2019 The petitioners are seeking direction to the respondents to provide employment in Railway against Group-C/D post on account of acquisition of their ancestral land by the State Government of Bihar for the use of the railways for construction of Muzaffarpur-Sitamarhi Rail line. It is the case of the petitioners themselves that the ancestral land of the



petitioners was acquired in the year 2002. For the first time, a representation for granting employment was made on 06.02.2019, which has been brought on record by way of Annexures 3 and 3/A to the writ application.

2. Learned counsel appearing on behalf of the Railways has relied on an order of this Court dated 26.02.2019 passed in ***CWJC No 16747 of 2016 (Mandvi Devi and others Vs. Union of India and ors)***, to contend that the petitioners cannot maintain this writ application solely on the ground of unexplained delay of 17 years. In case of ***Mandvi Devi*** (supra), there was a delay of 13 years in making the first representation. In the present case, there is apparent delay of 17 years. In such circumstance, applying the principle adopted in case of ***Mandvi Devi*** (supra), this application is dismissed.

(Chakradhari Sharan Singh, J)

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