

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 1013 of 2017

Arising out of

Civil Writ Jurisdiction Case No. 13826 of 2006

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Prahlad Singh @ Prahlad Mahto, Son of Late Nokhi Singh, resident of Village-Bharpura, P.S. Sonepur, District-Saran (Chapra).

... .. Petitioner/s

Versus

1. The Union of India through the General Manager, namely Sri Madhuresh Kumar, East Central Railway, Hajipur, District-Vaishali.
2. Sri Venaram Mishra, the General Manager (P), East Central Railway, Hazipur, Vaishali.
3. Sri A.P. Srivastava, the Divisional Manager (P), D.R.M. Office, Sonepur, Saran.
4. The State of Bihar through Shri Kundan Kumar, the Collector, Saran at Chapra.
5. Sri Kausalendra Prasad Singh, the District Land Acquisition Officer, Saran at Chapra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amarendra Nath Tiwary and Mr. Sunil Kumar Singh, Advocates
For the Opposite Party/s : (Railways)	:	Mr. D. K. Sinha, Sr. Advocate Dr. Anshuman, Advocate
For the State	:	Ms. Nutan Sahay, AC to AAG 12

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 24-07-2019

Heard learned counsel for the petitioner and Mr. D K Sinha, learned senior counsel along with Dr. Anshuman, learned counsel for the Railways.

2. The petitioner has alleged non compliance of the order dated 11.07.2011 passed in CWJC No. 13826 of 2006. In the order, the following direction was issued:



“The petitioner would be at liberty to file such representation as mentioned above within eight weeks before the Collector, Saran at Chapra, who shall consider the same in accordance with law and the guidelines of the Railways which have been appended as Annexure F to the counter affidavit of the respondent nos. 2 and 3 and scrutinize the same with regard to entitlement of the petitioner; forward the representation of the petitioner to the Railway authorities with his finding within six weeks from the date of filing of the representation. In case a positive recommendation/ forwarding is made by the Collector then the Railway authorities shall take a decision to appoint the petitioner within six months thereafter. It is made clear that in case the petitioner is not found entitled then the concerned authority will pass a reasoned order and communicate the same to the petitioner.”

3. In terms thereof, the son of the petitioner applied for a job in the Railways and from the show cause filed, it appears that recommendation for appointment has also been made in his favour and he has been called for verification etc. However, learned counsel pointed out that the son of the petitioner has refused to acknowledge the receipt and he had only taken the letter and read it and returned it to the server.

4. Copy of the supplementary show cause filed on behalf of the Railways in which such material has been brought on record was served on learned counsel for the petitioner on 28.03.2019. There is no rebuttal to such averments by the petitioner.



5. In the aforesaid background, the Court finds that by offering a job, the Railways have complied with the order of the writ Court dated 11.07.2011 passed in CWJC No. 13826 of 2006.

6. Accordingly, the application stands disposed off.

7. It goes without saying that the son of the petitioner, who has been offered employment by the Railways would be at liberty to join his post, subject to him fulfilling the eligibility criteria and completing the formalities.

(Ahsanuddin Amanullah, J.)

P. Kumar

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