

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7985 of 2015**

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1. Bhaskar Prabhu, and Ors son of Bharat Prasad Singh, resident of village Ghataro, P.S. Kartohan, District Vaishali.
2. Ravi, son of Pawan Kumar Tiwary and mother Bholi Devi, resident of village Chakataullah (Bakarpur), P.S. Hajipur (Sadar), District Vaishali.
3. Mukesh Kumar, son of late Dipnarain Singh and mother Sumitra Devi, resident of village Sultanpur, P.S. Audyogik Chhetra (Industrial Area), District Vaishali.
4. Birendra Ram, son of late Dharmdeo Ram and mother Parmeshwari Devi, resident of village Madhopur (Chakfaridan), P.S. and District Vaishali.
5. Manoj Kumar, son of Kishandeo Paswan and mother Lagan Devi, resident of village Madhopur (Chakfaridan), P.S. and District Vaishali.
6. Motilal Paswan, son of late Sakaldeo Paswan and mother Ranjita Devi, resident of village Madhopur, P.S. and District Vaishali.
7. Shashikant Kumar, son of Kailash Rai, resident of village Mannan, P.S. Hajipur (Sadar), District Vaishali.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway, New Delhi.
2. The Railway Board through the Chairman, Ministry of Railway, Govt. of India, New Delhi.
3. The Secretary (Established) Railway Board, Ministry of Railway, Govt. of India, New Delhi.
4. The Director (Estt.) Railway Board, Ministry of Railway, Govt. of India, New Delhi.
5. The General Manager (P), East Central Railway, Hajipur.
6. The Chief Personnel Officer (Admn.), East Central Railway, Hajipur.
7. The Divisional Railway Manager, E.C.R., Sonpur.
8. The State of Bihar through the District Land Acquisition Officer, Vaishali at Hajipur.

... .. Respondent/s

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**Appearance :**

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| For the Petitioners | : | Mr. Bal Mukund Prasad Sinha, Advocate                                         |
| For the State       | : | Mr. S.S. Prasad, S.C.10                                                       |
| For the Railways    | : | Mr. Ashok Kumar Keshari, Senior Railway Adv.<br>Mrs. Sudha Ambastha, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

14    28-01-2020

Heard learned counsel for the petitioners and Mr.



Ashok Kumar Keshri, the learned Senior counsel appearing on behalf of the Railway Board.

The petitioners in this writ petition seek direction to the respondents to consider the case of the petitioners for their appointment in lieu of acquisition of their lands for construction of rail line in view of the circular of Railway Board bearing Circular R.B.E. No.99/2010, dated 16.07.2010.

At the outset of the hearing, Mr. Ashok Kumar Keshri, learned counsel for the respondents Indian Railway raised preliminary objection with regard to maintainability of this writ petition and submits that since the petitioners seek appointment in Indian Railway, therefore, this court has no jurisdiction and the petitioners should have moved before the Central Administrative Tribunal in view of Section 14 of the Administrative Tribunal Act, 1985. It is further submitted that Benches of this Court in CWJC No.18128 of 2017, CWJC No.1299 of 2019 and CWJC No.9039 of 2017, held that the petitioner has got proper remedy before the Central Administrative Tribunal. It is further submitted that the petitioners have moved this Court belatedly. The Circular on which the petitioners rely itself speaks about the provisions of providing service to the dependents of the land owners before



taking possession of the land but after many years from the date of taking possession of the land, the petitioners have filed this writ petition. On the contrary, learned counsel for the petitioners submits that the petitioners only seek direction to the respondents to dispose of the representation of the petitioners on the basis of the provisions as contained in different Circulars issued by the Railway Board with regard to acquisition of lands and to provide appointment to the dependent of the land owners. The Division Bench of this Court has held that since the matter for appointment arose on account of acquisition of lands, therefore, the writ petition is maintainable. It is further submitted that the Hon'ble Supreme Court in the case of Anil Kumar vs. Union of India, reported in 2019 (3) BLJ 108(SC) has also held that denial of benefits under a particular Circular is illegal.

Having considered the submissions of both sides, I find that instead of entering into the merits of the case and maintainability of the writ petition, since the petitioners seek only direction from the Court to the respondents to dispose of the representation of the petitioners on its own merit in view of the provisions of the Circulars of the Railway Board, therefore, I thought it proper to dispose of the case of the petitioners without



entering into the merit of the case with a direction to the respondent to consider the representation of the petitioners within three months from the date of receipt of this order and pass speaking order on its own merit taking into consideration the facts and the provisions of different Circulars with regard to acquisition of land and the provisions for providing appointment to the dependents of the land owners.

With the aforesaid observation and direction, the writ petition stands disposed of.

**(Prabhat Kumar Jha, J)**

S.KUMAR/-

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