

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF APRIL, 2021

PRESENT

THE HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE MR. JUSTICE S. VISHWAJITH SHETTY

WRIT APPEAL NO.114/2021 (S-RES)

BETWEEN:

1. KONKAN RAILWAY CORPORATION LIMITED
BELAPUR BHAVAN, SECTOR-II
CBD BELAPUR, GOVERNMENT OF INDIA UNDERTAKING,
NAVI MUMBAI-400614
REPRESENTED BY ITS
CHIEF PERSONAL OFFICER
2. DEPUTY CHIEF PERSONAL OFFICER
BELAPUR BHAVAN, SECTOR-II
CBD BELAPUR, GOVERNMENT OF INDIA UNDERTAKING,
NAVI MUMBAI-400614
3. ASSISTANT PERSONNEL OFFICER
(RECRUITMENT), GOVERNMENT OF INDIA UNDERTAKING,
BELAPUR BHAVAN,
SECTOR-II CBD BELAPUR, NAVI MUMBAI-400614
REPRESENTED BY
DEPUTY CHIEF PERSONAL OFFICER.

...APPELLANTS

(BY SRI.M.R.NAIK, SENIOR COUNSEL FOR
SRI.OMKAR KAMBI, ADV.,)

AND:

1. SRINIVASA DEVADIGA

S/O GURUVA DEVADIGA AGED ABOUT 30 YEARS,
R/O KUMBADKONE VILLAGE
KUNDAPUR TALUK
UDUPI DISTRICT-576219

2. UNION OF INDIA
MINISTRY OF RAILWAYS
RAIL BHAVAN, RAISINA ROAD
NEW DELHI-110001
REPRESENTED BY ITS SECRETARY

... RESPONDENTS

(BY SMT.LATHA S.SHETTY, ADV. FOR R1
V/O DATED 23.02.2021, NOTICE TO R2
IS DISPENSED WITH)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, PRAYING TO ALLOW THIS WRIT APPEAL AND SET ASIDE THE IMPUGNED ORDER DATED 16.10.2020 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.9316/2020 (S-RES) AND ETC.

THIS WRIT APPEAL COMING ON FOR PRELIMINARY HEARING THIS DAY, **SATISH CHANDRA SHARMA J.**, DELIVERED THE FOLLOWING:

JUDGMENT

The present writ appeal is arising out of the order dated 16.10.2020 passed by the learned Single Judge in W.P. No.9316/2020.

2. The petitioner before the learned Single Judge was claiming employment as his land was acquired for the purpose of laying of the railway line. The learned Single Judge has directed the respondents to consider the case of

the petitioner and to grant him employment in the Group 'D' post, within three months.

3. When the writ appeal was pending before this Court, a compromise took place between the parties and it has been resolved by the appellants to accommodate the respondent herein. A memo has been filed before this Court stating that the appellants be granted a liberty to withdraw the endorsement dated 20.11.2019 and it has also been stated that the observation made by the learned Single Judge in his order should not come in the way of the appellants in respect of other cases pending before them.

4. The prayer of the appellants appears to be a genuine prayer. In the light of the aforesaid circumstances, the memo filed by the appellants is accepted. The endorsement 20.11.2019 is treated as withdrawn and the observations made by the learned Single Judge, in the order impugned, shall not come in the way of the appellants while considering the identical cases. The appellants shall be free to consider/decide the identical cases keeping in view their policy. All the issues are left open.

Accordingly, writ appeal stands disposed of.

It is needless to mention that the appellants shall pass the necessary order of appointment of the respondent within two months from the date of receipt of a copy of this order.

Sd/-
JUDGE

Sd/-
JUDGE

Cs