



W.P.Nos.28805 to 28808 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 04.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.28805 to 28808 of 2017

J.Srinivasan

...Petitioner
in W.P.No.28805 of 2017

E.Munikannaiya

...Petitioner
in W.P.No.28806 of 2017

V.Haribabu

...Petitioner
in W.P.No.28807 of 2017

J.Venkatesh Kumar

...Petitioner
in W.P.No.28808 of 2017

Vs.

- 1.The Chairman,
Railway Board,
Government of India, New Delhi.
- 2.The General Manager,
Southern Railway,
Headquarters, Chennai – 600 003.
- 3.The Chief Administrative Officer,
Construction Office,
Egmore, Chennai – 600 008.



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4.The District Collector,
Vellore District,
Vellore.

Respondents

Common Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the 3rd Respondent by proceeding No.P.363/1/CN/ MS/Law/ WP16133 to 16136 dated 18.05.2017 and quash the same and consequently direct the 1st and 2nd respondents to appoint the petitioner in Group-D post of the Respondent Department.

For Petitioner : M/s.S.Senthil Kumar
in all W.Ps

For Respondents : Mr.P.T.Ramkumar
in all W.Ps for Railways
for R1 to R3

Mr.T.K.Saravanan
Government Advocate for R4

ORDER

The rejection of the claim of the writ petitioners to provide priority for appointment under the land losers category is under challenge in the present writ petitions.



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2.It is not in dispute that the land belongs to the family of the writ petitioners was acquired for Southern Railways. Further it is not in dispute that just compensation as per law was settled in favour of the land losers. After receiving the compensation based on the Circular issued by the Indian Railways, the petitioners submitted an application to provide appointment on priority basis.

3.Priority appointments can never be claimed as an absolute right. It is a concession extended by the Indian Railways, subject to various conditions. It is not as if one appointment is to be provided to the family of the land losers, thus the concession cannot be claimed as a matter of right. In the present case, the land belongs to the family of the petitioners was acquired in the year 2005 and the petitioners submitted an application thereafter and more so, after receiving the compensation for the acquisition.

4.The learned counsel appearing on behalf of the Southern Railways brought to the notice of this Court that the Circular issued by the Railways providing priority to the land losers was withdrawn by the Government of India,



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Ministry of Railways in proceedings dated 11.11.2019. This being the factum, now at this length of time more so, after a lapse of seventeen years from the date of acquisition, the claim of the petitioners for appointment in Southern Railway cannot be considered.

5. Accordingly, writ petitions stand dismissed. No Costs.

04.11.2022

Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

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S.M.SUBRAMANIAM, J.

SSR

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