

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17367 of 2019

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Mukesh Kumar, Son of Sri Ramashankar Prasad Ray, Resident of Village-
Gangajal Tola, P.O. and P.S.-Sonpur, District-Saran.

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Department of Railway, Railway Bhawan, New Delhi.
2. The Secretary, Department of Railway, Railway Bhawan, New Delhi.
3. The Chief Engineer (Construction) Eastern Central Railway, Danapur Division, Danapur.
4. The Deputy Chief Engineer (Construction), Eastern Central Railway, Danapur Division, Danapur.
5. The Chief Manager Cum G.M.E.M. Railway (E.C.R.) Hajipur, Bihar.
6. The District Magistrate, Patna.
7. The District Magistrate, Saran.
8. The A.D.M. Patna (Land Acquisition)
9. The A.D.M. Saran (Land Acquisition)
10. The District Land Acquisition Officer, Patna
11. The District Land Acquisition Officer, Saran
12. The S.D.O. Patna Sadar, District Patna.
13. The Circle Officer, Danapur, District-Patna.
14. The Circle Officer, Sonapur, District-Saran.
15. The Personnel Officer, Eastern Central Railway, Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chittranjan Sinha, Sr. Advocate Mr. Mrityunjay Kumar, Advocate Mr. Umesh Prasad, Advocate
For UoI through Railway:		Mr. Naresh Dikshit, Advocate Ms. Kalpana, Advocate
For the Respondent/s	:	Mr. Atul Shankar, AC to SC -19

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 31-10-2023

Heard learned counsel for the petitioner, learned
counsel for the Union of India represented through Eastern



Railway, and learned counsel for the State.

2. Learned counsel for the petitioner submits that the grievances of the petitioner are very limited as the railway authorities have already issued an appointment letter and directed the petitioner to join on Class-IV post but the petitioner did not appear in the office for joining. Subsequently, the petitioner has filed CWJC No. 13981/2016 which was disposed of with the following direction:-

“Having considered the facts aforesaid and on perusal of the order passed in C.W.J.C. No.8283 of 2005, I dispose of this writ petition with a direction to the concerned authority that if the petitioners except petitioner no.5 Mukesh Kumar file application before the competent authority along with supportive documents for appointment on Group-C/Group-D post in Indian Railway in lieu of acquisition of their lands for construction of Road-cum-Railway Bridge over river Ganga near Digha-Sonepur, the authority shall consider their case and pass order within four months from the date of filing of such representation.

So far as the case of petitioner no.5 Mukesh Kumar is concerned, his case was considered by the competent authority and appointment letter was issued for appointment but the petitioner did not join on Group-C/Group-D post on account of illness of his mother, who consequently died of cancer but no order on his petition for extension of the period of his joining



was passed.

Accordingly, I direct the authority to consider the case of petitioner no.5 Mukesh Kumar sympathetically and pass order in accordance with law within four months.

With the aforesaid direction, this writ petition is disposed of.”

3. Learned counsel for the petitioner submits that the present petitioner was petitioner no.5 in the said writ petition and in the aforesaid writ petition, the specific direction was given to the authority to consider the case of the petitioner sympathetically and pass an order in accordance with law within four months. In pursuance to the same, the petitioner has been communicated a letter dated 03.06.2019, as contained in Annexure-R/E rejecting his claim being time-barred, but the authority while rejecting his claim did not consider the case of the petitioner sympathetically in the light of the direction of this Hon’ble Court.

4. Learned counsel for the Union of India representing Railways submits that the claim of the petitioner for employment was in lieu of acquisition of his land for construction of Road-cum-Railway Bridge over river Ganga near Digha-Sonepur has already been considered by the Railway



authority and the same has been communicated to the petitioner vide letter dated 20.06.2007 which is Annexure R/A in which direction was made to him to report to the office of the Divisional Rail Manager, Personal Sonepur on 12.07.2007 along with two passport size photographs for his appointment in Grade-D category but the petitioner did not opt to appear.

5. Learned counsel submits that the petitioner has requested for extension of time for reporting till 2009 on the grounds of his completion of engineering course. Subsequently, the Railway authority informed the petitioner vide letter dated 26.09.2007 (as contained in Annexure R/B to the counter affidavit) to receive an appointment letter forthwith as according to the guidelines issued by the Rail Parishad/ Headquarter, he has to join within two years, but petitioner did not join. Thereafter, the petitioner preferred a writ petition in the year 2018 in which the Hon'ble Court was pleased to pass the order upon going through Annexure-R/E.

6. It transpires to this Court that the petitioner was entitled to appointment and was called for joining in the year 2007 itself. The petitioner was also informed that the said appointment letter is valid for two years only, but he demanded employment after the lapse of 13 years.



7. Upon going through the pleadings of the parties it transpires to this Court that the petitioner is a graduate engineer from the mechanical branch and has completed his study in B.Sc. Engineering in the years 2010. In this background that the petitioner is a graduate engineer and is interested to join on the Group-D post for which an offer was made to him to join 13 years back including an extension of two years from the date of the letter of joining issued in the year 2007, this Court is of the view that the petitioner has no case. Accordingly, this writ petition is dismissed.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	04/11/2023
Transmission Date	NA

