

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8299 of 2014

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Rukmani Devi Wife of Late Harihar Bhandari Resident of Village - Panda
Tola Datta Tola, Police Station - Bounsi, District - Banka.

... .. Petitioner/s

Versus

1. The Union Of India through Secretary, Department of Railway, Rail Bhawan, New Delhi.
2. The Secretary, Department of Railway, Rail Bhawan, New Delhi.
3. The General Manager, Eastern Railway- 17, Netaji Subhash Road, Have Street, Calcutta W.B..
4. The Chief Administrative Officer Construction Officer, Eastern Railway , 17, Netaji Subhash Road,
5. The Deputy General Manager, Eastern Railway, 17, Netaji Subhash Road, Have Street, Calcutta W.B.
6. The Divisional Railway Manager, Eastern Railway, Malda W.B..
7. The Deputy Chief Engineer Construction, Eastern Railway, Bhagalpur.
8. The State of Bihar,
9. The District Magistrate, Banka.
10. The District Land Acquisition Officer, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Balram Kapri, Adv.
For the State	:	Mr. K.N.Jha, AC to GP-11
For the Railway	:	Mr. Ramadhar Shekhar, CGC

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 10-07-2024

The present writ petition has been filed seeking the following reliefs:-

“1(i). For direction upon the respondent authorities Commanding them to show parity in treatment to petitioner for providing employment on account of acquisition of land by the respondent railway for purpose of construction of



Mandar Hill Rampur Halt Broad Gauge Railway line to others similarly situated persons whose lands have been acquired along with the land of the petitioner for the same project and they have been provided employment in pursuance thereof.

(ii). For further direction upon the respondent authorities to forthwith provide the employment to one family member of the petitioner in pursuance of their own circular issued by Government of India, Ministry of Railway issued vide circular no. 3(NG) 11/89 RC-2/38 dated 10.11.1989.”

2. At the outset, the learned counsel for the petitioner has pointed out that earlier the learned counsel for the Respondent-Railways had relied on a judgment dated 17.9.2015, passed by a coordinate Bench of this Court in CWJC No. 8081 of 2014, whereby and whereunder the writ petition, filed by similarly situated writ petitioners, seeking same and similar reliefs, had stood dismissed, nonetheless, it is submitted that the aforesaid judgment dated 17.9.2015 was challenged by the writ petitioners of the aforesaid case, by filing an appeal bearing LPA No. 1981 of 2015 (*Himanshu Kumar Choubey & Anr. vs. The Union of India & Ors.*), which has now been allowed by a judgment dated 3.10.2017, passed by a learned Division Bench of this Court, relevant portion whereof is reproduced hereinbelow:-



“Both the decisions and the reasons, therefore, provided for dismissing the writ application by the learned single Judge seems to be misplaced. The right for consideration of these appellants for employment will flow in terms of the 1989 circular and equality and applicability of Article 14 and 16 being sine qua non to the ethos of the Constitution of India, the obligation of the railways to consider their case for employment if they fulfill the requirement is paramount.

The impugned order dated 17.09.2015 passed by the learned single Judge in C.W.J.C. No. 8081 of 2014 is set aside. The appeal is allowed. The respondents are directed to consider the case of all such persons whose land have been acquired for the said project in accordance with the circular of 1989 including the appellants.

A decision in this regard must be taken within a period of three months for the reason that enough time has already been lost in litigation over a period of time.”

3. Consequently, the learned counsel for the parties submit that the present writ petition be also disposed off in the aforesaid terms.

4. Having regard to the facts and circumstances of the case and with the express consent of the learned counsel for the parties, I deem it fit and proper to dispose off the



present writ petition in terms of the aforesaid judgment dated
3.10.2017, passed in LPA No. 1981 of 2015.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2024
Transmission Date	NA

