

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.182 of 2024

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Raushan Ravi son of Krishna Kumar Prasad, resident of Village-Saguna
(Madhu Pally, P.O. and P.S.-Danapur, District-Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Railway Department, Rail Bhawan, New Delhi.
2. The Secretary, Railway Department, Rail Bhawan, New Delhi.
3. The General Manager Personnel, East Central Railway, Hajipur.
4. The Assistant Personnel Officer, East Central Railway, Hajipur.
5. The Senior Divisional Personnel Officer, East Central Railway, Danapur.
6. The District Magistrate, Patna.
7. The District Land Acquisition Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar, Advocate
For the Respondent/s	:	Mr.Awadhesh Kumar Pandey, (Sr. C.G.C.)
		Mr. Lokesh, Advocate
For the State	:	Mr. Shailesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-04-2024 Heard learned counsel for the petitioner, State as also

the learned counsel appearing on behalf of the Railways.

2. The present writ petition has been preferred for the
following reliefs:

*(i) for quashing the order dated
Letter No. (CA3)/9/2020 dated 19.06.2023
passed by Assistant Personnel Officer, East
Central Railway, Hajipur (Respondent No.4)
exercising the power of the General
Manager Personnel, East Central Railway,
Hajipur (Respondent No. 3) whereby and*



whereunder the application of the petitioner for appointment in railway in respect of acquisition of his land for construction of Railway Goods Godown at Fatuha, Patna has been refused only saying that there is no provision for appoint in respect of acquisition of land for purpose of Railway Project;

(ii) for quashing the letter No. ECR-HQ0PERS(CA3)/9/2020 dated 07.08.2023 passed by Assistant Personnel Officer, East Central Railway, Hajipur (Respondent No.4) exercising the power of the General Manager Personnel, East Central Railway, Hajipur (Respondent No. 3) who refused to consider the application of the petitioner for appointment in Railway in respect of land acquisition;

(iii) for further direction to the respondents to appoint the petitioner in Railway in respect of land acquisition of the petitioner.

3. A perusal of the prayer would show that the respondent-authorities of the East Central Railway in its information dated 07.08.2023 has clearly stated that there is no provision/guideline issued by the Railway Board to provide appointment to the family of those, whose land have been taken for acquisition.



4. The facts of the case is that vide Land Acquisition Case no. 20/1989-90, 1.28 acres of land of the family of the petitioner's family was taken for construction of railway goods shed at Fatuha and the Award no. 37 was prepared.

5. The petitioner is harping on letter no. 175 dated 30.07.1990 issued by the Railways to lay his claim.

6. Mr. Pandey, learned counsel appearing on behalf of the Union of India submits that though earlier schemes were there, it was stopped long back and presently neither there is scheme for extending appointment nor anyone appointed. Further, it cannot be the case of the petitioner that anyone in the country whose land has been taken by the Railways, of late appointment has been extended to his/her family members

7. As per the writ petition, the petitioner is 44 years of age, the Land Acquisition for construction of Railway Goods Godown at Fatuha took place in the year 1989-90 when he may be hardly 10 years old. The first petition of the petitioner is dated 24.05.2023 i.e. three decades after the land acquisition process took place. The letter/information dated 07.08.2023 issued by the Railways is very clear. There is no such guideline/rules issued by the Railway Board to provide job to those whose land has been taken for acquisition purpose.



8. The petitioner has also not brought on record any document in support of his claim.

9. The writ petition is even otherwise fit to be dismissed on the ground of delay and laches, however, taking into account the clear stand of the Railways, as stated above, no relief can be granted to the petitioner.

10. The writ petition stands dismissed.

(Rajiv Roy, J)

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