



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C). No. 21404 of 2024

Santosh Kumar Mohapatra* *Petitioner

Mr. Manoja Kumar Khuntia, Advocate

-versus-

***The Railway Board, New* *Opp. Parties*
*Delhi and Others***

Mr. B. K. Pardhi, CGC

CORAM:

THE HON'BLE MR. JUSTICE S.K. SAHOO

THE HON'BLE MR. JUSTICE CHITTARANJAN DASH

ORDER

17.09.2024

Order No.

01. 1. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).
2. Heard Manoj Kumar Khuntia, learned Advocate appearing for the Petitioner and Mr. B. K. Pardhi, learned CGC.
3. This Writ Petition has filed by the Petitioner challenging the order dated 03.08.2023 passed by the learned Central Administrative Tribunal, Cuttack Bench in O.A. No. 224 of 2020 in dismissing the O.A.

The Petitioner filed the O.A. challenging the consideration of his case for appointment under Rehabilitation Assistance Scheme as per the notification



dated 16.07.2010 with a further direction to the Respondents to appoint under the Rehabilitation Assistance being the land oustee.

Counter affidavit has been filed by the Respondents wherein in Paragraph No.5, it is stated referring to the Paragraph-1(i) under the Screening Criteria of the Railway Board's notification dated 16.07.2010 that the applicant shall be a person (sole owner of land or son/daughter/husband/wife of the sole owner) whose land or a portion thereof has been acquired for the project. In Paragaraph-8 of the instructions, it has been specifically stipulated that the instructions normally would not be applicable in those cases where land acquisition process had been concluded by way of possession of land by Railway.

4. Learned Tribunal after hearing the learned counsel for both the parties, has been pleased to hold that in view of the Paragraph-2.1 of the Scheme, since the land has been recorded in the name of Lord "Sri Taleswar Dev Bijje, Bangarpada and the applicant (Petitioner) is the Marfatdar i.e. Caretaker of the land, no document has been produced that the land has been ever recorded in the name of the Petitioner or his father, therefore, the applicant does not come within the purview of the



Screening Criteria at Paragraph-2.1 to be eligible for consideration of his case under the Scheme.”

After hearing the learned counsel for both the parties and going through the Scheme, we find that there is no illegality in the impugned order of the learned Tribunal. Accordingly, we are not inclined to interfere with the impugned order, therefore, the Writ Petition being devoid of merit stands dismissed.

(S. K. Sahoo)
Judge

(Chittaranjan Dash)
Judge

AKPradhan/Bijay

Signature Not Verified

Digitally Signed
Signed by: BIJAY KETAN SAHOO
Designation: Jr. Stenographer
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 18-Sep-2024 17:00:17

