



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1399 OF 2025

Rabiya Bee Khan -Vs- The Union of India and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Rahul Dhande and Sakshi Tiwari, counsel for the petitioner
Ms. Mugdha Chandurkar, counsel for respondent Nos. 1 and 2.

**CORAM : ANIL S. KILOR &
MRS. VRUSHALI V. JOSHI, JJ.**

DATE : 6th August, 2025

1. The present Writ Petition came to be filed by the petitioner under Article 226 and 227 of the Constitution of India with a prayer to quash and set aside the order of Central Administrative Tribunal dated 23.12.2024, rejecting the original application of the petitioner seeking the employment as the wife of land affected person.

2. The brief facts of the present case are as under:-

The petitioners father-in-law was the owner of the land Khasra No.41/1,42/1 and 43/3. The respondent-railway acquired the land in question and Award was passed in the year 2013. However, much prior to the Award in the year 2008, Jameel Ahmad Khan, the father-in-law of the petitioner died. Thus, according to the petitioner, after the death of her

father-in-law, her husband and other legal heirs of Jameel Ahmad Khan became the owners of the land in question by succession and they were owners on the date of the Award dated 27.12.2013.

3. The husband of the petitioner applied for the employment as the land looser affected by land acquisition as per policy dated 16.07.2010. However, during the pendency of his application he died in the year 2021 and thereafter, the petitioner applied as widow of the owner of the land in question. The same came to be rejected on the ground that the land in question stood in the name of father- in-law of the petitioner on the date of Award and there is no provision to grant the employment to the daughter-in-law of the owner of the land. This communication dated 08.05.2023 was the subject matter of the challenge before Central Administrative Tribunal. The Tribunal rejected the original application of the petitioner vide its order dated 23.12.2024. Hence, this Writ Petition.

4. The only question involved in the present petition is whether the petitioner be considered as daughter-in-law of the owner of the land in question or she be treated as the widow of the owner of the land in question.

5. Admittedly, the original owner was Jameel Ahmad Khan, father-in-law of the petitioner. The land acquisition proceedings was initiated on 20.02.2013 and the award was passed on 27.12.2013. The original owner Jameel Ahmad died much prior to the date of initiation of acquisition proceedings. He died in the year 2008. Thus there can not be any dispute that on the date of Award, though the impugned entry as per the settled law does not establishes the ownership but it is only for the fiscal purposes, was in the name of Jameel Ahmad Khan and relying upon such entry, the Award was passed in the name of Jameel Ahmad Khan. However, the compensation was paid to the legal heirs accepting that the original owner died in the year 2008.

6. Further, it is an admitted fact that the application filed by the husband of the petitioner for employment as per the policy dated 16.07.2010 was processed by the respondents since it was supported by the no-objection of other co-owners of the land in question. Thus, to the extent that the respondents treated the husband of the petitioner as one of the co-owners, there is no dispute. It further fortifies as they asked for no-objection from the other co-owners.

7. In that view of the matter, the application of the petitioner ought to have considered by the

respondents as the application made by the widow of one of the co-owners of the land in question and not as the daughter-in-law of the original owner Jameel Ahmad Khan. However, erroneously the respondents have rejected the application, on the ground that, there is no provision for grant of employment to the daughter-in-law of the owner.

8. In that view of the matter, we are of the opinion that the learned Central Administrative Tribunal has committed error in not considering the above referred fact and holding that the rejection is just and proper. In the circumstances, we pass the following order :

9. The Writ Petition is allowed. The order passed by the learned Central Administrative Tribunal dated 23.12.2024, in original Application No.746/2023 rejecting the application of the petitioner for grant of employment is hereby quashed and set aside. Resultantly, we quash and set aside the Communication dated 08.05.2023 issued to the petitioner informing her that she cannot be considered for the employment being the daughter-in-law of the original owner.

10. We remand the application of the petitioner

for grant of employment to the respondents to consider the same afresh as an application made by the widow of one of the co-owners of the lands in question.

11. Considering the subject matter, we direct the respondents to decide such application and take the decision afresh in accordance with law within three months from today.

12. Learned counsel for the respondents undertakes to communicate the order to the respondents.

13. Writ Petition stands disposed of.

JUDGE

JUDGE