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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5310 of 2026

1 - Union Of India Through The General Manager, South East Central Railway, SECR Bilaspur, District Bilaspur, Chhattisgarh, 495004

2 - Chief Administrative Officer (Construction) Personnel Branch, South East Central Railway, Bilaspur, District Bilaspur, Chhattisgarh 495004

... Petitioners

versus

1 - Savitri Bai W/o Shri Nilkanth Kashyap Aged About 39 Years Village - Tendue, Post - Semra, Tehsil - Navagarh, District- Janjgir-Champa, C.G. 495668

2 - Sanat Kumar Kashyap S/o Shri Nilkanth Aged About 19 Years Village - Tendua, Post- Semra, Tehsil - Navagarh, District - Janjgir-Champa, C.G. 495668

3 - Collector District- Janjgir Champa, Janjgir Chhattisgarh, 495668

4 - Sub Divisional Officer (Revenue) & Land Acquisition Officer Champa, District Janjgir Champa, Chhattisgarh, 49567

... Respondents

For Petitioners	:	Mr.Ramakant Mishra, Deputy Solicitor General with Ms.Anmol Sharma, Central Government Counsel
For Respondents No.1 and 2/State	:	Mr. Govind Ram Miri, Senior Advocate assisted by Mr.Yogesh Chandra Sharma and Mr.Sameer Sharma, Advocates

Hon'ble Shri Krushna Ram Mohapatra, Chief Justice

Hon'ble Shri Santosh Sharma, Judge

Order on Board

***Per Krushna Ram Mohapatra*, Chief Justice**

28.10.2026

1. Heard Mr.Ramakant Mishra, learned Deputy Solicitor General with Ms.Anmol Sharma, learned Central Government Counsel for the petitioners/Union of India as well as Mr. Govind Ram Miri, learned Senior Advocate assisted by Mr.Yogesh Chandra Sharma and Mr.Sameer Sharma, learned counsel appearing for respondents No.1 and 2.

2. This writ petition has been filed by the petitioners/Union of India assailing the order dated 31.07.2025 (Annexure P-1) passed by the Central Administrative Tribunal, Jabalpur Bench, Jabalpur (for brevity “the Tribunal”) in O.A.No.544/2020.

3. Mr.Mishra, learned Deputy Solicitor General for the petitioners/Union of India submits that respondents No.1 and 2 herein were applicants before the Tribunal claiming rehabilitation employment for acquisition of their land for a Railway project. It is submitted that their claim for rehabilitation employment was rejected in terms of the Railway Board decision dated 2.9.2011, which does not permit employment to a grandson (respondent No.2) and also bars repeated claims in respect of the same land. He further submits that Khasra No.487/5, admeasuring 0.004

hectare, situated in village Kosmanda, P.H. No.3, Champa Bypass, which was recorded in the name of one Mahesh Ram S/o Shri Bisahu Kurmi, was acquired by the Railway Administration. Respondent No.1 is the daughter of said Mahesh Ram and respondent No.2 is a son of respondent No.1. Rehabilitation employment of respondent No.2 was claimed for acquisition of the aforesaid land of said Mahesh Ram. The claim of respondent No.2 was rejected in terms of the policy decision dated 2.9.2011, which did not permit employment to a grandson. Learned Tribunal without appreciating the same and only relying upon the ratio in the case of ***South East Central Railway Through General Manager, SECR and another v. Yashvant and others (WPS No.1349/2018, decided by this Court on 03.04.2018***) allowed the original application holding that the case of respondent No.2 should be reconsidered by the appellants in terms of the order passed in the case of ***Yashvant*** (supra) and to issue necessary orders in this regard, within a period of three months from the date of receipt of the impugned order.

4. Mr. Mishra further submits that the ratio in the case of ***Yashvant*** (supra) is not applicable to the instant case. The policy decision dated 2.9.2011 is very specific and it does not include a grandson to get an employment under the said policy. In fact, the land of Mahesh Ram, grandfather of respondent No.2, was acquired and respondent No.1 had claimed, but her claim was rejected as she was age barred. Presently, respondent No.2 claims for

rehabilitation employment. Respondent No.2 is entitled to the monetary compensation in terms of the policy decision dated 2.9.2011. This aspect was not taken into consideration by the Tribunal. Hence, the impugned order under Annexure P-1 is not sustainable.

5. Mr.Govind Ram Miri, learned Senior Advocate appearing for respondents No.1 and 2 submits that the case of respondents No.1 and 2, more particularly respondent No.2, is squarely covered by the ratio in ***Yashvant's*** case (supra). He also placed on record the decision passed by the coordinate Bench of this Court in ***WPS No.6619/2022 (Union of India through the General Manager and another v. Ku.Pramila Yadav and others, decided on 21.07.2023)***, wherein relying upon the ratio in ***Yashvant's*** case (supra), the coordinate Bench has confirmed the order of the Tribunal. The Union of India being not satisfied moved the Hon'ble Supreme Court, which was dismissed affirming the order of this Court. Subsequently, the Union of India also filed the review petition, which was also dismissed on 06.10.2026. It is his submission that the family includes the grandson and when no one from the family has been provided with rehabilitation employment, respondent No. 2, being the grandson of the land loser, namely, Mahesh Ram, is entitled for rehabilitation employment under the South East Central Railway.

6. Taking note of the submissions made by learned counsel for the

parties, this Court feels it appropriate to reproduce the relevant portion of ***Yashvant's*** case (supra), which is as under:-

> *"9. The Division Bench of this Court in the matter of **Yashwant** (supra) has held in paragraphs 2 and 3 as under :-*
>
> > *"2. It is not in dispute that an item of land which was acquired by the Railways belonged to the grandfather of 1st Respondent. That person was more than 72 years of age and his son was around 58 years of age. That family, therefore, projected the 1st Respondent, who is the grandson in the line, as the one who may be appointed in consonance with the ameliorative provision for appointment of land losers affected by the land acquisition for Railway projects. The dispute before the Tribunal was as to whether a person who is, admittedly, the grandson of the owner of the land could be appointed at least in a situation where the original owner of land and even his son had become age barred for appointment. The Applicant before the Tribunal who is the 1st Respondent before us, we found to have established before the Tribunal that the Railways had given appointment to two other similarly situated persons, who were, acutally, a grandchildren of the respective land losers. The Tribunal ultimately handed down the verdict in favour of the 1st Respondent, thereby requiring the Railways to consider their proposal to refuse appointment of the 1st Respondent.*
> >
> > *3. It is not in dispute that no member of the family of the person from whom the land was acquired was appointed as among the land losers. The Railways also do not dispute the fact that the 1st Respondent is the grandson of the primary owner of the land, which was acquired. Revised instructions dated 16.07.2010 issued by the Railway Board says that the Applicant shall be a*

person whose land or a portion thereof has been acquired for the project. It is the provision therein that in case of sole owner of land, the applicant shall be the sole owner or son/daughter/husband/wife of the land. The said clause further elaborates to say that if the land is owned by more than one person, it would be for the competent authority to decide as to who shall be considered as applicant. This clause itself shows that there is a fair amount of discretion available to the Railway Authorities in the matter. The ultimate requirement is that there should not be any appointment, of more than one person referable to one owner of an item of land which is acquired by the Railways. A purposive approach in understanding the Railway Board's Notification would definitely lead to the conclusion that in cases where situation of the nature in hand occur, it will be within the authority of the Railways to make the appropriate choice; even down in the probable line of succession; particularly when all the three persons are still alive and are shown to have been carrying out agricultural operations over land that they lost as a result of requisition by the Railways."

7. On a close reading of the ratio in the case of ***Yashvant*** (supra), it is clear that a grandson is also entitled for rehabilitation employment for acquisition of the land of the land loser, particularly when no other person in the family has been provided with rehabilitation employment for acquisition of the said land. The Tribunal has taken the pain of discussing the facts of the case and the applicability of the ratio in the case of ***Yashvant*** (supra) and has arrived at the conclusion that the ratio in the case of ***Yashvant*** (supra) is squarely applicable to the instant case. We

find that the case in ***Yashvant*** (supra) is almost identical to the present one in material particulars. Hence, we find no reason to take a different view than that of the case of ***Yashvant*** (supra). Thus, we find no reason to interfere with the impugned order, as on perusal of the same as well as the judgment in the case of ***Yashvant*** (supra), we find that the ratio therein is squarely applicable to the case of respondent No. 2.

8. In that view of the matter, we find no reason to interfere with the impugned order under Annexure P-1. Hence, the writ petition is dismissed with an observation that the order passed by the Tribunal shall be implemented expeditiously within the stipulated time as provided by the Tribunal in the impugned order.

Sd/-
(Santosh Sharma)
Judge

Sd/-
(Krushna Ram Mohapatra)
Chief Justice

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